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ADMISSION OF TENNESSEE.

[To accompany H. Res. No. 83.]

MEMORIAL

OF

CITIZENS OF TENNESSEE,

PRAYING

That the present State organization of Tennessee may be recognized and its perpetuity guaranteed.

FEBRUARY 13, 1866.—Referred to the Joint Select Committee on Reconstruction.

MARCH 5, 1866.—Reported from the Select Committee on Reconstruction, ordered to be printed, and recommitted to the Committee on Reconstruction.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the United States and of the State of Tennessee, beg leave, respectfully, to represent that by the operations of the recent rebellion the governing officers of their State abdicated their respective posts, and left the government without agents to carry it on. In this attitude of affairs one of our citizens, Andrew Johnson, was, on the 3d of March, 1862, by the President of the United States, appointed military governor of the State, which office he continued to hold until the 3d of March, 1865.

To remedy this state of things, the loyal people of the State, by their delegates, on the 8th of January, 1865, assembled in convention at the capitol, in the city of Nashville, "to take such steps as wisdom might direct to restore the the State of Tennessee to its once honored status in the great national Union."

Certain amendments were proposed to our admirable State constitution, made necessary, in the opinion of the convention, by the altered relations of slavery, and by the action of persons engaged in the rebellion, who had temporarily usurped the machinery of the State government, and by the vacancy of the several State offices, for the filling of which there was no present provision of law. These amendments the convention submitted to the vote of their constituents on the 22d of February, 1865, and they were by them adopted. While this proceeding met with the concurrence and co-operation of the military governor, it was the spontaneous action of the loyal people themselves.

Having thus provided for the reorganization of the government under her pre-existing constitution so amended, the work was completed by the election of a governor and legislature on the 4th of March following, who, on the 3d of April, entered upon the duties of their respective offices.

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A copy of the several amendments, incorporated into the organic law of the State, and the proceedings of the legislature at its first session, certified officially by the secretary of State, and published by authority, is herewith appended and adopted as a part of this statement.

The government so organized has had unresisted and uninterrupted jurisdiction of the State ever since.

The undersigned respectfully submit that the said government is republican in form as well as in spirit, and they ask that the same be recognized and its perpetuity guaranteed as the true and proper government of the State of Tennessee, entitled to the same immunities, functions, and prerogatives as the State enjoyed by virtue of an act of Congress approved on the 1st day of June, 1796, until her relations with the government were disturbed by the treason of a portion of her citizens.

EDW'D COOPER,
HORACE MAYNARD,
JNO. W. LEFTWICH,
W. B. STOKES.

FEBRUARY 13, 1866.

ACTS OF THE STATE OF TENNESSEE, PASSED AT THE FIRST SESSION OF THE THIRTY-FOURTH GENERAL ASSEMBLY, FOR THE YEAR 1865.

[Published by authority.]

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INTRODUCTORY DOCUMENTS.

The following papers embrace the commission of Hon. Andrew Johnson as military governor of Tennessee, from the War Department at Washington; his instructions from President Lincoln, in accordance with the 4th section of the 4th article of the federal Constitution; the call of the Executive Union Committee of the State for a State convention, to meet December 19, 1864, at the State capitol; and the call of the same committee for a postponed meeting of the same convention, to meet January 8, 1865, said postponement being rendered necessary in consequence of the siege of Nashville by the rebel army; the alterations and amendments to the State constitution, proposed to the people of Tennessee by that convention, with the accompanying resolutions of that body; the proclamation of Governor Johnson authorizing the opening of the polls throughout the State for the ratification or rejection of said amendments and alterations to the constitution; and the final proclamation of Governor Johnson, declaring said amendments and alterations to be legally adopted as a part of the constitution by formal ratification of the loyal voters of the State

APPOINTMENT OF ANDREW JOHNSON AS MILITARY GOVERNOR OF TENNESSEE
BY THE PRESIDENT.

WAR DEPARTMENT, *March 3, 1862.*

To the Hon. Andrew Johnson :

SIR : You are hereby appointed military governor of the State of Tennessee, with authority to exercise and perform, within the limits of that State, all and singular the powers, duties, and functions pertaining to the office of military governor, including the power to establish all necessary offices, tribunals, &c.

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION,
Washington, D. C., September 19, 1863.

You are hereby authorized to exercise such powers as may be necessary and proper to enable the loyal people of Tennessee to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and to be protected under such State government by the United States against invasion and domestic violence. All according to the 4th section of the 4th article of the Constitution of the United States.

ABRAHAM LINCOLN.

Hon. ANDREW JOHNSON, .
Military Governor of Tennessee.

The following call was published by a committee of Union men in Middle Tennessee. Similar calls were published by Union committees in East and West Tennessee :

To the Union men of Middle Tennessee :

The executive committee of Middle Tennessee take this opportunity of requesting the Union men of the middle division of the State to appoint delegates to the convention at Nashville on the 19th of December. The people of East and West Tennessee will be here; it is our duty to meet them. The people meet to take such steps as wisdom may direct to restore the State of Tennessee to its once honored status in the great national Union.

The dignity of men descended from a race of freemen and heroes, the maintenance of your rights and the interests of your children, all call upon you to act as brave and true men. Come forth in your strength to assert your rights and to organize the loyal sentiment of Tennessee.

If you cannot meet in your counties, come upon your own personal responsibility. It is the assembling of Union men for the restoration of their own Commonwealth to life and a career of success.

LEWIS TILLMAN,
WM. SPENCE,
M. M. BRIEN,
A. V. S. LINDSLEY,
JOS. S. FOWLER,

Executive Committee Middle Tennessee.

The presence of the rebel army around Nashville prevented the convention from assembling, and the following call was made accordingly :

NASHVILLE, *December 19, 1864.*

To the Union men of Tennessee.

The executive committee of Middle Tennessee have selected the 8th of January, 1865, for the meeting of the State convention at Nashville.

As the anniversary of the battle of New Orleans, the 8th day of January, occurs on Sunday, the convention will not assemble until the 9th.

The committees in East and West Tennessee are requested to make a similar announcement in their respective districts,

M. M. BRIEN,
WM. SPENCE,
LEWIS TILLMAN,
A. V. S. LINDSLEY,
JOS. S. FOWLER,

Executive Committee Middle Tennessee.

DECEMBER 5, 1864.

The convention met and proposed the following alterations and amendments to the State constitution:

PROPOSED ALTERATIONS AND AMENDMENTS TO THE CONSTITUTION.

Whereas the first article and the first section of the declaration of rights in the constitution of the State of Tennessee declares "that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper," we, the people of the State of Tennessee and of the United States of America in convention assembled, do propound the following alterations and amendments to the constitution, which, when ratified by the sovereign loyal people, shall be and constitute a part of the permanent constitution of the State of Tennessee.

ARTICLE I.

SECTION 1. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

SEC. 2 The legislature shall make no law recognizing the right of property in man.

SCHEDULE.

SECTION 1. Section 31 of the second article of the constitution, which is as follows, "The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners," is hereby abrogated.

SEC. 2. "The declaration of independence and ordinance dissolving the federal relations between the State of Tennessee and the United States of America," passed and promulgated by the legislature of Tennessee on the 6th day of May, 1861, by which the State was declared separated from the federal Union, and all laws and ordinances by which Tennessee became a member of the federal Union, annulled and abrogated, was in like manner an act of treason and usurpation, unconstitutional, null and void.

SEC. 3. The convention, agreement, and military league entered into by the commissioners of the State of Tennessee and the commissioners of the so-called

Confederate States of America, made May 7, 1861, and on the same day ratified and confirmed by the legislature, was an act of treason and usurpation, unconstitutional, null and void.

SEC. 4. No statute of limitations shall be held to operate from and after the 6th day of May, 1861, until such time hereafter as the legislature may prescribe, nor shall any writ of error be refused or abated in any cause or suit decided since the 6th day of May, 1861, and prior to this time, by reason of any lapse of time. And in all actions for torts brought, or which may hereafter be brought in the courts in this State by attachment levied upon the property of the defendant, the court shall have power to proceed to judgment and collection of the same, as upon contracts, without personal service of process upon the defendant, until the legislature may see fit to change the law in such cases.

SEC. 5. All laws, ordinances, and resolutions, as well as all acts done in pursuance thereof, under the authority of the usurped State government after the declared independence of the State of Tennessee, on or after the 6th day of May, 1861, were unconstitutional, null and void from the beginning: *Provided*, That this section shall not be construed as to affect any judicial decisions made by the State courts held at times differing from those provided by law prior to May 6, 1861; said judicial decisions being made pursuant to the laws of the State of Tennessee enacted previous to said date, and between parties present in court and litigating their rights.

SEC. 6. All laws, ordinances, and resolutions of the usurped State government, passed on or after the 6th day of May, 1861, providing for the issuance of State bonds, also all notes of the Bank of Tennessee, or any of its branches, issued on or after the 6th day of May, 1861, and all debts created or contracted in the name of the State by said authority, are unconstitutional, null and void; and no legislature shall hereafter have power to pass any act authorizing the payment of said bonds or debts, or providing for the redemption of said notes.

SEC. 7. All civil and military officers which have been or may hereafter be appointed by the acting governor of the State, are hereby ratified and affirmed, and they shall continue to hold and exercise the functions of their respective offices until their successors shall be elected or appointed, and qualified as prescribed by the laws and Constitution of the State and United States.

SEC. 8. That the proposed amendments to the Constitution, and the schedule thereto, be submitted to the people at the ballot-box, on the 22d day of February next, and that upon the adoption thereof, by the people, an election shall be held on the 4th day of March next, for governor and members of the legislature, the latter to be voted for by general ticket, upon the basis prescribed in the act apportioning representation in the State, passed on the 19th day of February, 1852, to assemble at the capitol on the 1st Monday in April next, said officers to continue in office until their successors shall be elected and qualified, under the regular biennial election of 1867.

Provided, That said apportionment be so modified as to give to the counties of Johnson, Carter, Campbell, Anderson, Union, Sevier, Macon, and Hancock, each one member, and the district composed of the counties of Fentress, Morgan, Scott, and Cumberland, one additional member in the House of Representatives.

SEC. 9. The qualifications of voters and the limitation of the elective franchise may be determined by the general assembly, which shall first assemble under the amended Constitution.

RESOLUTIONS.

Resolved, That at the election in February those in favor of the foregoing amendments and schedule shall deposit a ballot on which shall be written "Ratification," and those who are opposed shall deposit a ballot on which shall be written "Rejection."

Resolved, That when the above amendments of the constitution of the State of Tennessee shall be submitted to the people of the State for their ratification or rejection, and at the first election held under said constitution as amended, if ratified by the people, no person shall be permitted to vote unless he first take the following oath at the polls; and the name of each voter shall be written upon the back of his ticket, and it shall be the duty of the judges and clerks of said election to preserve said tickets and file them with the clerks of the county courts of their respective counties for future reference. *Provided*, That this oath shall not be required of the citizens who are well known to the judges of the election to have been unconditional Union men. *Provided, also*, That voters otherwise qualified may vote within any county of the State, and if in the military service, wherever they may be on the day of election; and that the commanding officer of each regiment, battalion, detachment, battery, or hospital, is empowered to hold such elections.

Oath.—I solemnly swear that I will henceforth support the Constitution of the United States, and defend it against the assaults of all its enemies; that I am an active friend of the government of the United States, and the enemy of the so-called Confederate States; that I ardently desire the suppression of the present rebellion against the government of the United States; that I sincerely rejoice in the triumph of the armies and navies of the United States, and in the defeat and overthrow of the armies, navies, and of all armed combinations in the so-called Confederate States; that I will cordially oppose all armistices or negotiations for peace with rebels in arms, until the Constitution of the United States, and all laws and proclamations made in pursuance thereof shall be established over all the people of every State and Territory embraced within the national Union; and that I will heartily aid and assist the loyal people in whatever measures may be adopted for the attainment of those ends; and further, that I take this oath freely and voluntarily and without mental reservation. So help me God.

Resolved, That the returns of this election shall be made to the secretary of State, and the result be declared by the proclamation of the acting governor.

Resolved, That the convention do nominate and offer to the people a candidate for governor, and that the delegates from the several senatorial and representative districts be requested to nominate and present to the convention candidates for their respective districts, to be placed upon the general legislative ticket: *Provided*, If the Union people of any district shall desire to make another selection, that they have opportunity to do so.

Resolved, That it shall be the duty of the executive committee to fill all vacancies that may occur in the list of candidates and officers for holding elections solicited by the convention.

Resolved, That the names of such as may be selected shall be forwarded to the chairman at Nashville, on or before the 10th day of February next, when the chairman shall publish the complete list in the papers of the State.

GOVERNOR'S PROCLAMATION.

Whereas, at a large and respectable convention of the free and loyal people of the State of Tennessee, begun and held in the city of Nashville, on the 9th day of January, 1865, certain articles amendatory of the constitution of the State and the schedule thereto appended, were, with great unanimity, adopted and propounded to the people for ratification or rejection on the 22d of February, 1865; and whereas, the schedule provides that in the event of the ratification of said proposed constitutional amendments, the loyal people of the State shall, on the 4th of March next thereafter, proceed by "general ticket," to elect a governor and members to the general assembly, to meet in the capitol in Nash.

ville, for the transaction of public business, on the first Monday of April, 1865 and whereas, the convention aforesaid, acting in the primary and sovereign capacity of the people, prescribed certain rules and regulations under which the elections should be conducted, and designated, in many of the counties, certain persons to open and hold the same, and in others omitted to name any one, which, to avoid confusion, I have, as far as practicable, caused to be supplied; and in addition thereto, and for the purpose of more effectually carrying out the objects of the convention and enabling the sovereign loyal people of the State to express their judgment freely and fully on the grave question submitted to their decision:

Therefore, I, Andrew Johnson, military governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare that the several persons in the proceedings of the convention named and appointed to open and hold the elections therein provided for, are hereby empowered and directed to open and hold said elections in person in their respective counties, wherever practicable, and to appoint and qualify, if necessary, such judges and inspectors of elections and other officers, as may be necessary to open the polls and conduct the elections in such other parts of their respective counties as the convenience of the people may require, and to make returns to the secretary of the State, as provided by the third resolution of the convention, as nearly as practicable in conformity to the act of assembly, in such cases made and provided.

And I do hereby further declare, and fully authorize and direct the executive committee appointed in each grand division of the State, and referred to in the fourth and fifth resolutions of the proceedings of said convention, to supply, whenever practicable, the places of all such persons as, for any cause, may become vacant in the list of persons hereinbefore qualified to hold said elections; and in such cases, when it is not convenient or practicable for vacancies to be filled as above provided, any loyal citizen of the county is hereby authorized and empowered to open and hold said elections, and make return thereof, which shall be as valid as if done by any of the persons hereinbefore mentioned.

I do furthermore authorize and empower the commanding officer of each regiment, battalion, detachment, battery, or hospital of Tennessee troops, wherever they may be on the day of said elections, to open and hold elections for their respective commands or hospitals, and make due return thereof, under the same rules and regulations above prescribed.

Here I might well close this proclamation, but I will be pardoned for adding that the action of the convention is wisely submitted to the loyal people—the true source of all political power—for approval; and I feel assured, as they appreciate the restoration of good government, and the protection of their lives and property, they will not hesitate to come forward, as one man, and with one voice ratify and confirm the action of the convention. We have been, in Tennessee, torn asunder by civil war, and all our public and private interests broken down, and the folly of the rebellion has surely been sufficiently demonstrated to admonish all classes that they can no longer live in hostility to the national government, and ought no longer to remain without civil authority in the State. Strike down at one blow, the institution of slavery—remove the disturbing element from your midst, and by united action restore the State to its ancient moorings again, and you may confidently expect the speedy return of peace, happiness and prosperity.

In testimony whereof, I, Andrew Johnson, military governor of Tennessee, do hereunto set my hand, and cause the great seal of the State to be affixed at the executive office, in the city of Nashville, on this the 26th day of January, 1865.

[SEAL.]

ANDREW JOHNSON.

OFFICIAL DECLARATION OF THE RATIFICATION OF THE AMENDMENTS TO THE CONSTITUTION—GOVERNOR'S PROCLAMATION.

Whereas, the convention that recently assembled in the city of Nashville proposed certain alterations and amendments to the constitution of the State of Tennessee, and the schedule thereto appended, which, by the direction of the convention, were submitted to the people at the ballot-box on the 22d instant, and by them ratified and confirmed; and whereas the convention further provided, that in the event of the adoption of "the amendments to the constitution, and the schedule thereto," an election for governor and members of the legislature should be held on the 4th of March next following, to assemble at the capitol in Nashville on the first Monday in April next thereafter; and whereas the returns of the election for the ratification or rejection of the proposed amendments of the constitution were, by the 3d resolution adopted by the convention, to be made to the secretary of State, and the result declared by proclamation of the acting governor; and whereas complete returns have not been yet made as provided by the foregoing resolution, but enough is already ascertained to place the result of the election beyond all doubt, and fully to justify the announcement that the following articles amendatory of the constitution of the State and schedule thereto appended have been adopted by the people, viz:

"ARTICLE I.

"SECTION 1. Slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

"SEC. 2. The legislature shall make no law recognizing the right of property in man.

"SCHEDULE.

"SECTION 1. Section 31 of the second article of the constitution, which is as follows: 'The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners,' is hereby abrogated.

"SEC. 2. 'The declaration of independence and ordinance dissolving the federal relations between the State of Tennessee and the United States of America,' passed and promulgated by the legislature of Tennessee on the 6th day of May, 1861, by which the State was declared separated from the federal Union, and all laws and ordinances by which Tennessee became a member of the federal Union annulled and abrogated, was in like manner an act of treason and usurpation, unconstitutional, null, and void.

"SEC. 3. The convention, agreement, and military league, entered into by the commissioners of the State of Tennessee and the commissioner of the so-called Confederate States of America, made May 7, 1861, and on the same day ratified and confirmed by the legislature, was an act of treason and usurpation, unconstitutional, null, and void.

"SEC. 4. No statute of limitations shall be held to operate from and after the 6th day of May, 1861, until such time hereafter as the legislature may prescribe, nor shall any writ of error be refused or abate in any cause or suit decided since the 6th day of May, 1861, and prior to this time, by reason of any lapse of time. And in all actions for torts brought, or which may hereafter be brought in the courts of this State by attachment levied upon the property of the defendant, the courts shall have power to proceed to judgment and collection of the same as upon contracts, without personal service of process upon the defendant, until the legislature may see fit to change the law in such cases.

"SEC. 5. All laws, ordinances, and resolutions, as well as all acts done in

pursuance thereof, under the authority of the usurped State government after the declared independence of the State of Tennessee, on or after the 6th day of May, 1861, were unconstitutional, null, and void, from the beginning: *Provided*, That this section shall not be construed as to affect any judicial decisions made by the State courts, held at times differing from those provided by law, prior to May 6, 1861; said judicial decisions being made pursuant to the laws of the State of Tennessee enacted previous to said date, and between parties present in court and litigating their rights.

"SEC. 6. All laws, ordinances, and resolutions of the usurped State government, passed on or after the 6th day of May, 1861, providing for the issuance of State bonds; also all notes of the Bank of Tennessee, or any of its branches, issued on or after the 6th day of May, 1861, and all debts created or contracted in the name of the State by said authority, are unconstitutional, null, and void; and no legislature shall hereafter have power to pass any act authorizing the payment of said bonds or debts, or providing for the redemption of said notes.

"SEC. 7. All civil and military officers who have been or may hereafter be appointed by the acting governor of the State, are hereby ratified and affirmed, and they shall continue to hold and exercise the functions of their respective offices until their successors shall be elected or appointed and qualified as prescribed by the laws and constitution of the State and United States.

"SEC. 8. The proposed amendments to the constitution, and the schedule thereto, shall be submitted to the people at the ballot-box on the 22d day of February next, and upon the adoption thereof by the people an election shall be held on the 4th day of March next for governor and members of the legislature, the latter to be voted for by general ticket, upon the basis prescribed in the act apportioning representation in the State, passed on the 19th day of February, 1852, to assemble at the capitol on the first Monday in April next, said officers to continue in office until their successors shall be elected and qualified under the regular biennial election of 1867: *Provided*, That said apportionment be so modified as to give to the counties of Johnson, Carter, Campbell, Anderson, Union, Sevier, Macon, and Hancock each one member, and the district composed of the counties of Fentress, Morgan, Scott, and Cumberland one additional member in the house of representatives.

"SEC. 9. The qualification of voters and the limitation of the elective franchise may be determined by the general assembly which shall first assemble under the amended constitution."

And whereas the time at which it is provided the election for governor and members of the general assembly shall be held is so near at hand that I deemed it proper, in advance of full returns, to declare the result of the election adopting the constitutional amendments:

Therefore, I, Andrew Johnson, military and acting governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare that the foregoing alterations and amendments to the constitution of the State of Tennessee, and the schedule thereto annexed, have been ratified and confirmed by the vote of the people of the State, and that said articles now constitute a part of the permanent constitution and supreme law of the State of Tennessee, and as such are hereafter to be so held and regarded by the people thereof.

And I do hereby further declare and fully authorize and direct the several persons in the proceedings of the late convention named and appointed to open and hold the election for the ratification or rejection of the amendments to the constitution, to open and hold an election for governor and members to the general assembly, as in the schedule prescribed, on the 4th of March next; and they are hereby empowered and directed to open and hold said election, in person, in their respective counties, wherever practicable, and to appoint and qualify, if necessary, such judges and inspectors of election, and other officers,

as may be necessary to open the polls and conduct the election in such other parts of their respective counties as the convenience of the people may require; and to make returns to the secretary of state as provided by the third resolution of the convention, as nearly as practicable in conformity to the act of assembly in such cases made and provided.

And I do hereby further declare, and fully authorize and direct the executive committee, appointed in each grand division of the State, and referred to in the fifth resolution of the proceedings of said convention, to supply, whenever practicable, the places of all such persons as may for any cause become vacant in the list of persons hereinbefore declared qualified to hold said election; and in such cases, when it is not convenient or practicable for vacancies to be filled as above provided, any loyal citizen of the county is hereby authorized and empowered to open and hold said election, and make returns thereof, which shall be as valid as if done by any of the persons hereinbefore mentioned.

I do further authorize and empower the commanding officer of each regiment, battalion, detachment, battery, or hospital of Tennessee troops, wherever they may be on the day of election, to open and hold an election for their respective commands or hospitals, and make due return thereof under the same rule and regulations above prescribed.

In closing this proclamation, I sincerely congratulate the people of Tennessee on the happy result of the election, and the opening prospects of a speedy and permanent reorganization of the State government. For nearly three years, in the midst of dangers and difficulties the most complicated and perplexing, I have labored to restore the State to its former proud position in the Union. My constant effort has been to save it—not to destroy it; but the rebellious sentiments of the people often interposed obstacles which had to be overcome by military power. The task was painful, but the duty has been performed, and the result has passed into history. Time, I am happy to say, has greatly calmed the passions of the people, and experience restored them to reason. The folly of destroying their government, and sacrificing their sons to gratify the mad ambition of political leaders, needs no longer to be told to the laboring masses. The wasted estates, ruined and dilapidated farms, vacant seats around the hearthstone, prostrate business, insecurity of property, and even life itself, everywhere proclaim it in language not to be misunderstood.

But all is not lost. A new era dawns upon the people of Tennessee. They enter upon a career guided by reason, law, order, and reverence. The reign of brute force and personal violence has passed away forever. By their own solemn act, at the ballot-box, the shackles have been formally stricken from the limbs of more than 275,000 slaves in the State. The unjust distinctions in society, fostered by an arrogant aristocracy, based upon human bondage, have been overthrown, and our whole social system reconstructed on the basis of honest industry and personal worth. Labor shall now receive its merited reward, and honesty, energy, and enterprise their just appreciation. Capital heretofore timid and distrustful of success may now confidently seek remunerative and permanent investments in the State. Public schools and colleges begin anew their work of instruction, upon a broader and more enduring basis. The foundations of society, under the change in the constitution, are in harmony with the principles of free government and the national Union; and if the people are true to themselves—true to the State—and loyal to the federal government, they will rapidly overcome the calamities of the war, and raise the State to a power and grandeur not heretofore even anticipated. Many of its vast resources lie undiscovered, and it requires intelligent enterprise and free labor alone to develop them, and clothe the State with a richness and beauty surpassed by none of her sisters.

In testimony whereof, I, Andrew Johnson, military and acting governor of Tennessee, do hereunto set my hand and cause the great seal of the State to be affixed, at the executive office, in Nashville, on this 25th day of February, A. D. 1865.

[SEAL.]

ANDREW JOHNSON.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
Nashville, April 6, 1865.

Gentlemen of the Senate and House of Representatives :

In accordance with long established custom, and in obedience to the requirements of the constitution, it becomes my duty to communicate to the legislature the condition of the State, and to recommend for their consideration such matters as I may deem expedient.

When we contemplate the distracted condition of the country, the four dreadful years of trial through which we have passed, and the manner in which it has been preserved, our minds naturally turn to Him whose care has been over us, who has protected and preserved us through scenes of blood and carnage unprecedented in the history of wars. For the preservation of our lives and certain remnants of our property ; for the care and protection of Providence over those who have gone forth to battle, and are still risking their lives in defence of the principles upon which our happiness and property rest ; for life, health, food and raiment ; for our safe conduct through untold changes, by a kind Providence ; for the prospect of the restoration of law and order in our distracted State ; for the gleam of light, looking to peace, now breaking through the clouds that have enveloped us for the four years past ; for these and numerous other blessings of which we have been the recipients, let us, in all humility and sincerity, render thanks to Almighty God, and let us earnestly implore a continuance of his favor.

Secession is an abomination that I cannot too strongly condemn, and one that you cannot legislate against with too much severity. What has it done for our country in the space of four years ? It has plunged our country into civil war, paralyzed our commerce, destroyed our agricultural pursuits, suspended the whole trade and business of our country, lessened the value of our property, destroyed many of the pursuits of life, and has involved the South in irretrievable bankruptcy and ruin.

What has it done for Tennessee ? It has formed odious and unconstitutional military leagues, passed military bills, and inaugurated a system of oppressive taxation, without consulting the people, and then, in mockery of a free election, has required them by their votes to sanction its usurpation, at the point of the bayonet, under the penalty of imprisonment and death. It has offered a premium for crime, in ordering the discharge of culprits from prison, on condition that they would enter the rebel army, and in recommending the judges to hold no courts for the trial of offenders. It has stained our statute book with the repudiation of honest northern debts, and has palpably violated the Constitution, by attempting, through its unlawful extensions, to do away with the right of suffrage. It has passed laws making it treason to say or do anything in favor of the government of the United States, or against the so-called Confederate States. It has prostrated and overthrown the freedom of speech and of the press ; it has involved the whole South in a war whose success is now proven to be utterly hopeless, and which, ere another year roll round, must lead to the ruin of the common people. Its bigoted, murderous, and intolerant spirit

has subjected the people of Tennessee to many grievances. Our people have been arrested and imprisoned; our houses have been rudely entered and shamefully pillaged; our families have been subjected to insults; our women and children have been tied up and scourged, or shot by a ruffian soldiery; our towns have been pillaged; our citizens have been robbed of their horses, mules, grain, and meat, and many of them assassinated and murdered.

Hundreds, yes, thousands of our young men, middle-aged and old men, have been driven from our State, and compelled to enter the federal army, in strange regiments, and their bones now lie bleaching upon the many battle-fields of the south and west, and all this because our people were true to the traditions of their fathers, and refused to worship rebel gods. And to the honor of the people be it known, that more regiments to-day swell the number of the armies of the Union than there are living traitors in the ranks of the enemy.

In this once proud capital of the "Volunteer State," there have been thousands of Union refugees, men, women, and children, broken-hearted, naked and starving; a great many are here still. They have fled from the wicked and murderous guerillas, after being robbed of everything they possessed. They have lived in camps or tents, by fires in the open woods, have dragged out a miserable existence for a time, and died among strangers. Hundreds have suffered from actual want of necessary food, shelter, and clothing, while many residences in this *rebellious city* have been occupied by the families of those who were fighting against their country, or, being *citizen rebels*, and *home traitors*, have fled within the rebel lines. These families have remained here protected, and have wielded an over-ruling social influence. Many of them are wealthy, and live in ease and comfort. They have busied themselves in giving information to the enemy, in carrying delicacies to rebel prisoners who have been confined here for their crimes and treason. And it is stated upon undoubted authority, and the fact is notorious in this capital, that the disloyal families never contributed in the slightest degree to the relief of the poor and distressed women and children, or disabled soldiers thrown upon this population by the operations of the war. I state these facts, which may have the appearance of a personal and local character, that you may know how to shape your course when personal and local legislation is called for.

I have the honor to submit to the general assembly of the State of Tennessee a copy of a joint resolution of Congress, passed by a vote of two-thirds of each house, entitled "A resolution submitting to the legislatures of the several States a proposition to amend the Constitution of the United States," which is in the following words:

"Resolved by the Senate and House of Representatives of the United States in Congress assembled, (two-thirds of both houses concurring therein,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of said States, shall be valid to all intents and purposes as a part of said Constitution, namely:

"ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

"Approved, February 1, 1863."

The slavery question here comes up in a form hitherto not discussed in our politics. It is not a question as to the right of Congress to exclude slavery from the Territories, to legislate upon the matter themselves, nor does it involve

the discussion of any doubtful powers, but is the simple proposition to amend the Constitution of the United States in the manner prescribed by that sacred instrument, so as to strike down the monster institution which has embroiled the government for half a century, and culminated in the most wicked, uncalled for and bloody war known to the history of the civilized world.

Slavery, secured to the people of the south more permanently by the Constitution of the United States, and the laws enacted in pursuance thereof, than any species of property claimed by them—not even excepting their lands—will now perish by the war it brought about to enlarge its power and perpetuate its existence. Let us do our part in this great work by ratifying the action of Congress, and carrying out the wishes of our people. After the ratification by the people of our State of our amended State constitution, embracing the same proposition, and after your election to the general assembly on this platform, and by the same people, I have not considered an elaborate argument in favor of the proposition submitted by Congress at all necessary. I may be allowed to say, however, that to prohibit slavery in a State requires a change in the State constitution. Pregnant as we find slavery to be of all sorts of political mischief, it is not to be got rid of, under the constitution, in any other than a constitutional manner. And, while the sooner this can be done the better, it does not appear in what part of the Constitution of the United States the power of regulating it at all, in times of peace, is to be found. Fortunately for the future happiness of the country, the Constitution has provided a way in which the people can remedy the evil, without any questionable exercise of power, and that is by amending the Constitution, just as Congress has proposed.

Slavery was so far made the subject of constitutional cognizance, by the people of the United States, when they adopted the articles of confederation, that it found a place in the compromises of that instrument, both in fixing the ratio of representation and the apportionment of direct taxes; and also in requiring the people of a free State to surrender so much of this "sovereignty" as not to have the right to protect the slave that sought refuge from bondage—it would seem too late in the day to question the right of the people to adopt amendments to that instrument, in regard to this or other subjects embraced in its provisions. It becomes us, therefore, to approach this subject with an enlightened statesmanship, and with a decree of moral courage that is not afraid to do right, appealing to the ultimate judgment of mankind to vindicate our action.

It is in this way, and in no other, that a uniform rule can be provided, and an end put thereby, in all time to come, to a possibility of reviving that which has been the fatal cause of all the mischief in the country. To insist upon excluding slavery from a State by amending her constitution, before recognizing her again as within the pale of the Union, would look awkward, and fall below the dignity of political sagacity. Our State has shown her hand, and placed herself square upon the record; and I flatter myself that her representatives here assembled are ready for a measure which shall forever exclude slavery from the United States.

Some legislation is necessary for the protection, government and control of the emancipated slaves among us. When this war is over a portion of those who fought to perpetuate slavery will show the emancipated slave no quarter, and especially that class of slaves who have been rude and violent toward their former owners. What the character of this legislation should be, I leave the good-sense, prudence and reflection of the members of the general assembly to determine.

It is certainly proper and right for the legislature of Tennessee to determine to what extent this State shall be overrun with the emancipated slaves of other States. If their presence in any State is a blessing they should be distributed; if an evil, it is but just that we should be taxed only with our own share of them. I am, myself, the advocate of providing for them a separate and appropriate

amount of territory, and settle them down permanently, as a nation of freedmen. In this case, as in most others, it will probably be well to guard against exceptive legislation. The negro has had no agency himself in bringing on our troubles, and does not merit unkind treatment at our hands.

The attention of the legislature is earnestly called to the subject of the roving bands of guerillas, and squads of robbers and murderers who frequent those counties and portions of counties remote from our military forces. The depredations and murders committed by them are of such frequent occurrence as to have created a general feeling of insecurity among our citizens, causing hundreds to sacrifice their property, and abandon their homes and the graves of their parents and loved ones, seeking new homes, among strangers in the north-western States.

The criminal laws of Tennessee prior to the rebellion were equal to the demands of justice and the wants of society, but they are now inadequate in both the cases. The corruptions of the rebellion have exhibited themselves in every quarter, and the effects of the same have been to demoralize all classes of society, more or less, calling for more stringent enactments, so as to meet the numerous cases arising in our country. I advise that horse stealing, house breaking, and highway robberies be punished with death. Let the proof in all such cases be clear and unquestionable, and then let the offenders be hung, even for the first offence. This character of a law will close out all these acts of perfidy which now render life and property insecure, more or less in all counties of the State; and, when the necessary reform is had, a future legislature can repeal or amend the statute. Such a law may look to others like a bloody act, but it can never affect injuriously an honest man or a law-abiding citizen. And you, gentlemen, should feel no concern for the opposite class of men but to punish and reform them.

The attention of the legislature is especially directed to the militia laws of the State. The occurrences of the past four years have disclosed the fact that our militia laws, as they now are, are very imperfect, and need further amendments to make them effective. The State arms were carried into the rebellion, through the influence of the bad men in authority four years ago, and throughout the length and breadth of the State she has not arms enough to arm a captain's company. This deficiency should be provided for at once. I have no doubt that the federal government, upon a fair presentation of the case, would come to our relief with a liberal hand.

If, in the wisdom of the legislature, an efficient military force, over and above what is provided for in general terms, should be placed at the disposal of the executive, I suggest an appropriation for military contingent expenses. In any rate, the legislature would do well to pass an act providing for a military contingent fund, of a moderate character, confiding it under the control of the executive, and making it his duty to report to the legislature at each session. Should there be no use for the fund, the executive will, of course, make no drafts upon it, and it will be his pleasure to report that the money belonging to the military contingent fund remains in the State treasury unexpended.

I am aware that a proposition to increase the salaries of public officers in the State will meet with opposition; that it is not a popular measure, and that demagogues will use such a vote upon the stump against members voting for an increase. Acting alone from a sense of duty, and desiring to see justice done to those patriotic men who are serving the State, I suggest an increase in the pay of all civil officers whose compensation is fixed by law. Supreme judges should be paid a salary of \$5,000; chancellors and circuit judges should be allowed \$3,000, and the treasurer, comptroller, secretary of state, attorney general, and other officers should be allowed a corresponding increase in their salaries. And I respectfully, but frankly, suggest that the pay of members of the general as-

sembly be increased, and the more so as such increase could not take effect during your term of office.

It is folly to think of a man in public office now supporting his family on the salary he received four and five years ago. Boarding, clothing, meats, vegetables—in fact, everything has increased to twice former prices. And yet the wages of the public officers are down at the old prices. If any one of the incumbents named is worthy of his office he is worthy of a support from that office. His pay should be made equal to his necessary expenses. The State cannot reasonably expect a man to devote his individual time and his whole energies and talents to an office, when the salary of such office will not defray the necessary expenses of his family. Gentlemen capable of filling such offices are capable of supporting themselves in other vocations, and it is obvious that they will be forced to turn their attention to other pursuits in order to gain a livelihood. The increase of such salaries will add something to our taxes, but the amount will be so small as scarcely to be felt by the people. I doubt not they will cheerfully contribute in this way to aid in sustaining good and competent men in important official positions. I recommend, therefore, that immediate action be taken in this matter.

The financial condition of the State demands the early and prompt attention of this general assembly. The reports of the comptroller and treasurer are to October 1, 1861. From that time to the restoration of the capital to the national authority, February following, and the flight of the State authorities, the information left us is imperfect and insufficient. The subsequent operations will appear from the current report of the comptroller, whose high character for integrity and truth commend him to your confidence. The balance in the treasury on the 1st of October, 1861, according to the treasurer's report, was \$185,496 69; besides, warrants for payment remain in the treasury for \$60,401 04. Warrants for payment out of the treasury had been issued but not presented for \$145,417 12. How far the figures were modified by the operations of the next four months and a half, to the middle of February, 1862, I have no information. Except the military expenses, it is presumed that the balance was not changed, judging from the uniformity apparent in the fiscal operations of the preceding four years. Since that time Middle and West Tennessee have been generally within the federal lines, and East Tennessee since September 1, 1863. Governor Johnson has occupied the capitol, and exercised gubernatorial jurisdiction over those portions of the State held by federal authority. Governor Harris, who adhered to the rebel cause, is very generally understood to have collected revenue in the counties within their military lines. The comptroller will be found to have given in his report the financial history of Governor Johnson's administration. This report is respectfully submitted for your careful consideration, and the recommendations of that officer are approved by me. What moneys were collected by Governor Harris and his subordinates I am unable to state, nor am I prepared to say that it is important for you to inquire. It will be a matter for your consideration whether the arrearage of taxes for the past four years shall be collected in whole or in part. The principal, if not the current, liabilities during that period are the interest on the State debt. The usual payments to common schools and academies, and to several charitable institutions of the State, were not made. The consequences of the failure would not be atoned for by reaching them now. The same is substantially true of various other items of ordinary expenditures.

The State debt, as reported by the comptroller in October, 1861, is said to be \$6,896,606 66, and this demands your attention. This includes \$3,000,000 of eight per cent. bonds for the "defence of the State," which has recently been discarded by the people at the ballot-box. This unauthorized and most unjust indebtedness repudiated, leaves the indebtedness of the State properly \$3,896,606 06, at an annual interest of \$212,388 25. The interest is presumed

to have been paid on the 1st of January, 1861. It is not known how much has since been paid, if any. The bonds will show, either by the indorsements or the absence of the coupons. Besides this debt the State has bonds for internal improvement purposes, and has indorsed the bonds of railroad companies to the amount of \$16,211,000. For these the State is ultimately liable upon the failure of the companies. These bonds it is believed the State will have to provide for to preserve its credit, making an aggregate indebtedness of \$20,005,606 66, and the annual interest \$1,185,048 25. Of this debt proper \$66,666 66 matured in 1861, \$61,250 in 1862, \$177,750 in 1863, and \$58,500 in 1864—in all, \$366,166 66, at once to be provided for. The comptroller states that the bonds maturing in 1861 were "taken possession of and held by the State, subject to adjustment at the end of the war." Besides these the State held bonds, mostly her own, as follows: the Spence T. Hunt fund, 6; the railroad sinking fund, 161; deposited by the free banks, 341; deposited by foreign insurance companies, 80; and in all, 588 bonds. These bonds, held in trust, were carried away, it is believed, with the valuables of the State treasury, by the State officers, who ingloriously fled on the approach of the national flag. Double payment can probably be avoided. Evidence must be in existence by which they can be identified. The notorious condition of our State affairs has been sufficient to put dealers upon their guard. So that if any of the bonds have been fraudulently sold, payment to the present holders may be justly stopped. Furthermore, it will be well to consider how far it is your duty as agents of the State, not only not to pay the bonds held by those who have been actively engaged in the rebellion to overthrow the government, whether held by them or parties who may seek to conceal them for the benefit of the rebels, as they will likely do, I advise that you adopt measures to prevent their payment. The bonds can in no event compensate for the loss the disloyal holders have occasioned the State. The justice of holding them responsible in this way it is believed cannot be successfully controverted.

The arrearage of interest, amounting to nearly twenty-five per cent. of the principal, is more than the people can easily pay at sight, with the other burdens, public and private, thrown upon them by the war. It will be necessary, therefore, to anticipate the means, so as at the same time to preserve the State credit by satisfying the creditors and to preserve the people from oppressive taxation.

The recent amendment to the State constitution abolishing slavery will require some changes in the revenue laws. The item of slaves will no longer appear in the list of taxables. The census of 1860 shows there were in the State about 275,000. The assessors' returns show that 130,425 were reported for taxation. Their average value had steadily increased from \$413 72 in 1846 to \$886 40. It is a significant fact that the next year, the first of the war, the average fell to \$769 36, taxes being at the low rate of seven cents upon the one hundred dollars, to which our State taxation was reduced in 1860, the slaves averaging a little the rise of sixty-two cents each, amounting to \$80,000 in the aggregate. The slaves held no property. Being emancipated, they will now be subjected to a poll-tax. Many of them will soon acquire taxable property far beyond their personal value as slaves.

As soon as this war ceases there is every reason to expect a large accession to our population. Thousands of sensible and practical men have been here, connected with the army, and have looked with astonishment and delight at our productive soil, charming climate, and great advantages of agriculture. They have seen that a farm hand in a northern State is ordinarily worth from thirty to fifty dollars a month—that is to say, he earns that much, or say \$600 per annum. In our State a good farm hand can make five bales of cotton of five hundred pounds each, which would make the profits of his labor worth \$2,000 per annum, against \$600 in a northern State—a better and more certain

business than going to California or any of the gold regions. Therefore it is the value of land with us will be proportionately increased. If the tax of seven cents on the one hundred dollars, to which our burdens had been reduced in 1860, shall be increased to a reasonable extent, it is believed sufficient revenue will be realized in the next three years, over and above the ordinary expenditures, to meet the arrears of interest on the debt, to pay the sum now due, and the further sum of \$1,245,090, falling due in 1868.

It is further suggested that the list of taxable property might be increased without being oppressive. By the returns of 1860 it appears that all "other property" subject to taxation, besides land, amounted in value to but \$24,362,151—less than one-half the assessed value of the town lots. Before the war our financial resources were so ample, compared with the limited demands upon them, that it was necessary to tax but a few of the principle articles of property. Our affairs are now quite changed, and every interest should be made to bear its proper burdens.

The common school system will, in this connexion, demand your attention. The fund appropriated for this purpose has been squandered by the bad men and dishonest functionaries who fled on the approach of the old flag. What shall be done to replace this great loss? At no period in the history of the State has the young and rising generation appealed so affectingly for legislative aid. Practically denied all scholastic advantages during the last four years, and deprived as thousands have been of their natural protectors, if they are not soon provided for, it will be too late for them. Indeed, not a few have already passed beyond the age to attend school, hopelessly illiterate.

In this connexion your attention is called to an act of Congress providing for the establishment of an agricultural college. Most of the States are in advance of us in accepting the offer, and perhaps we might profit by examining their legislation in regard to this subject.

The currency and the banks are nearly allied to finances, and are in such a demoralized condition as to demand prompt action and most positive legislation. The State owes it to herself to look into the condition of the three old banks—the Bank of Tennessee, the Union and the Planters' banks—each having its parent bank in Nashville, with affiliated branches extending over the State; also several stock banks and the free banks. With, perhaps, one or two exceptions, it is believed they are all hopelessly insolvent. All have, beyond doubt, violated their charters, and may properly be closed up. Nay, where they have value received for their notes and are worth it they should be made to redeem their issues. The policy formed by these banks, even before the war, was to keep their paper at lower quotations than that of any of the surrounding States. Even at home it was at a discount, and in some of the neighboring States it was uncurrent. This imposed upon our commerce the payment of large sums of premiums upon all remittances beyond the State, which in the end came off the people. Such a currency could only result from unsound financial principles; for the balance of trade with most of the surrounding States was decidedly in our favor. It is therefore recommended that all existing banks be wound up at once, and that no more State banks be chartered. The several hundred thousand in real estate owned by the State bank should be cashed without delay. The stock was owned by the State, and it held large deposits of currency and securities. As the Union army advanced to the possession and occupation of the towns where the branches were located the officers fled with the assets beyond the limits of the State, and they are now doubtless irretrievably gone. In the outset of the rebellion this bank was used by the guilty conspirators, and large issues were made to further their schemes of treason. It has been determined by the people that these issues shall not be paid.

There are many notes outstanding of the bank issued after the date specified in your amended constitution, and intended alone for the benefit of the

rebellion. Shall they be redeemed by a tax imposed upon the people? I know of no legal or moral obligation to redeem those notes, even if they occupied such an attitude that such an obligation could be enforced. It is known that when bank notes become uncurrent they are sold by the small holders, who are not in a condition to hold such paper, and bought up by speculators, generally at their own figures. In this way they accumulate in the hands of a few, often at prices almost nominal. The notes of the Bank of Tennessee, it is believed, are held in this way and by this class of dealers. Having lost the principal of this banking capital, and having sold these issues in small quantities at a heavy discount, shall our people be taxed to make these issues good in the hands of speculators? I confess I can see no equity in it. Doubtless instances will occur of individual hardship, and others will be pressed upon your attention, not so much by the parties themselves as by others interested in the adoption of a general policy based upon these existing cases. There remain to the bank large assets, uncollected debts, and the present liabilities of the faithless officers. Suits are understood to be pending against many of these officers of branches. The others should be held to their responsibilities. I content myself with these general suggestions, trusting in your wisdom, if you deem them practicable, to arrange the details.

The national banking system is believed on many accounts to be preferable. This would give us a circulation current all over the country, and subject our banking to more correct principles of finance. Other States are adopting the national banking system, and I recommend the same to the legislature of Tennessee. Such an institution could be used profitably as the fiscal agent of the State, and if you can secure the means, one in each of the other grand divisions of the State would work to advantage.

The qualification of voters, and other limitations of the elective franchise, have been intrusted to you by the people. This delicate responsibility will devolve upon you a heavy task, and merits your whole attention. That there should be some additional limitations prescribed few will deny. Many persons in the State, by every act of which they were capable have disfranchised themselves. Probably they neither expected or desired the privilege of again voting, and would not exercise it if granted them. Many others have committed acts deserving disfranchisement, who nevertheless will resist it, and strive for every civil right they enjoyed before the war, and before their treason had involved the State in so much suffering. While I would not recommend you to give way to the impulse of vengeance any more than to the appeals of sympathy and pity, I would urge you to guard the ballot-box faithfully and effectually against the approach of treason, no matter in what character it may come. The loyal people of the State who sent you here expect you to act decisively in the matter, and have no child's play in determining the qualification of voters. The subject has been considered by several of our sister States, whose reform was not any more loudly called for than with us. It is quite probable that this action and its effects may assist you in deciding what to accept and what to avoid.

As you are aware, upon the approach of the national forces and their occupation of our country, the government took possession of our railroads, in most of which the State is a large stockholder. The State is deeply interested in her internal improvements, as she has indorsed bonds at the rate of ten thousand dollars per mile, for nearly all the railroads in Tennessee. And as most of these bonds are held by guardians for the benefit, in many instances, of minors and widows, I think it nothing more than simple justice to pay them the interest already due them.

The Nashville and Chattanooga railroad was taken possession of by the federal authorities on the 7th of March, 1862, and has been held and used ever since, and, regarded as a military necessity, it was proper and right. Presum-

ing the government to have kept the account strictly, she is now about ready to make a settlement. My information is that certain officers of the company visited Washington on two different occasions for the purpose of obtaining a settlement with the quartermaster general. They failed in their efforts, though the President of the United States, who was present on both occasions, expressed his views verbally as favoring the payment of the company for the use of the road. You should now call upon the proper authorities at Washington for payment to this and other companies, requiring the money received to be applied to the payment of interest on their bonds. The amount indorsed by the State for the Nashville and Chattanooga Railroad Company is \$1,535,000, and the interest accrued thereon is now nearly \$300,000. It is believed that upon a just settlement the government will owe the company largely over that amount. This road cost the company \$3,846,900, including its equipments and depots.

The other roads in the State are similarly situated and demand your attention. Those officers of roads and stockholders who fled south, carrying with them the rolling stock and funds, should be held to a strict accountability, and their property and stock should be made in part to atone for these losses to the State and country. The case of the East Tennessee and Georgia railroad and its faithless president requires our special attention.

It is believed the time has now come for the companies again to use their roads—for the government, if need be, under even a military superintendent—thereby effecting a vast saving to the government, asking only the same pay for freights and passengers they are now paying to the Louisville and Nashville Railroad Company. As this war is for the benefit of the whole nation, it is not believed that the general government intends that Tennessee shall pay more than her just proportion of the war debt.

Your attention is called to the fact that the Louisville and Nashville Railroad Company is running a portion of that road in this State, say about sixty miles, with another branch from Bowling Green to Clarksville, and for all that portion of road in our State the government pays the Kentucky company as if the road were in any other loyal State. The information I have is to the effect that the Kentucky company treats with indifference the claims of Tennessee upon that road. It is your duty to let that company know, in decided but respectful terms, what your rights are, and that you dare assert and maintain them.

The duty devolves upon you at this session of electing two senators to the Congress of the United States, and of re-districting the State, so as, without delay, to provide for the election of eight representatives to the next Congress. It is with profound regret that I have observed several republican journals, and some leading politicians of ability and influence are opposed to the admission of senators and representatives from Tennessee. They take the ground that the State should be treated as a Territory and continued under military government, subject to the arbitrary orders of military rule. If their dangerous and revolutionary doctrine is adhered to by any considerable portion of senators and representatives in Congress I shall, for one, dread the consequences. My confidence in the wisdom and patriotism of senators and representatives leads me to believe they will discard, indignantly, any such proposition. The loyal people of Tennessee have resolved through the ballott-box to rule themselves under the federal flag; taking the ground that the State has never been out of the Union, and boldly denying that the unconstitutional and treasonable acts of those in rebellion ever carried them out of the Union. Besides, the inauguration of the Vice-President from this State, and the withdrawal of a military governor to give place to civil authority, fix the status of Tennessee in the estimation of the federal authorities proper. And to your good sense and unyielding firmness I submit this grave question, not doubting that your action will be correct.

Your attention is called to the condition of affairs in the State prison, full and specific details of which are given in the report of the officer who is in charge of that institution. I have every confidence that the legislature will look into the wants of the institution, and do for it what, in the judgment of members, may seem proper. Meanwhile, I suggest the establishment of branches of the penitentiary in the western district and in East Tennessee. The cost of building on a moderate scale would be saved to the State in fifteen or twenty years in the single item of a cash market, in each end of the State, for provisions to sustain, and raw material to keep the convicts employed in manufacturing—such as lumber, marble, iron, coal, leather, &c. The erection of buildings would furnish employment and cash wages to a number of mechanics; and, as there are several salaried officers attached to such an institution, it would distribute the patronage of the State in her three natural divisions. If this be not done, an enlargement of the State prison will be required. The demoralized condition of both our white and colored population will cause scores to be sent to the penitentiary as our courts go into operation.

The Tennessee hospital for the insane, one of the charitable institutions of the State, located in this vicinity, deserves your attention and your aid. The prosperity and success of that noble State charity were all that its friends and the friends of humanity could desire at the breaking out of this wicked rebellion; but the institution has struggled hard to keep above the waves of oblivion for four years past. It kept its deposits in the Bank of Tennessee, and my information is, that when the faithless officers of the bank fled, on the approach of the national flag, they carried with them some \$30,000 belonging to the institution. For the details in regard to its past operations and present necessities I refer you to the report of the superintendent and chief surgeon, a faithful and intelligent citizen.

The Tennessee blind school, a State institution in this city, has been utterly destroyed by the federal forces, and the unfortunate pupils, some forty in number, are distributed among their friends and the friends of humanity. It was not a military necessity that called for the destruction of the institution, but it was the work of recklessness; and if this general assembly will present the subject to the government at Washington in this light, it is believed that proper steps will be taken to restore this noble charity. The hopes of those pupils at best are blasted and their cup of bitterness is full when we have done all that lies in our power. We look out upon the world and we know it by its visible beauty; we know our wives by their affectionate looks, our children by their smiles and features, our neighbors by their faces and manner of address; but these, and all other earthly things, are to these blind people shrouded in darkness, and friends, children, and the world are lost to them forever.

The Tennessee deaf and dumb school, located at Knoxville, merits your attention, as it is one of the charitable institutions of the State. The exciting events which are daily transpiring in the country should not induce us to lose sight of those whose misfortunes so strongly appeal to us for aid and comfort. The buildings and grounds, erected and purchased at a heavy expense by the State, are now used for hospital purposes by our army. Of the fourteen trustees, nine of them went into the rebellion, and most of them fled south. An equal proportion of the officers and teachers of the school proved to be rebels. An early organization of the institution upon a loyal basis is called for, and it is hoped will attract your attention.

The East Tennessee university, located at Knoxville, is a time-honored institution, and was chartered and endowed by the State in 1807. It has been almost destroyed by the federal army. The library, furniture, and fixtures are hopelessly destroyed. The main buildings are standing, and it is but just to the educational interests of the most loyal portion of the State that the government should place that institution on as good a footing as it found it. A

majority of the board of trustees turned out to be rebels, and their places should be filled with loyal men.

There are doubtless other institutions in the State which deserve the attention of this general assembly, but I am not informed as to their situations. The members representing all the counties will be able to look after their interests, and should feel that the duty devolves upon them.

Having thus fully placed before you the information requisite to enable you to judge of the condition of the State, the evils which environ us, and the measures of legislation needed for averting them and ridding ourselves of them, it remains for me but to invoke your attention to the consideration of those means by which, above all others, we may hope to restore order and prosperity to our country. And if one be more prominent than another, it is the necessity for earnest and cordial co-operation between the State and federal government. To you especially, as senators and representatives, do the loyal people of Tennessee look for encouragement and counsel. And to your action in the halls of legislation will all eyes be turned—not only in Tennessee, but in other States—for examples of what is befitting loyal men. I feel full confidence that you will prove yourselves equal to the emergency, and meet expectations both at home and abroad. I feel assured that, being united in a common and holy cause, you will rise above all selfish considerations, and, bowing submissively to the Divine will, you will unite with all good men in reverently invoking the blessings of our Heavenly Father upon all we say and do while in the service of the State.

It is, perhaps, proper for me to state that since writing this message important facts have come to my knowledge, and upon unquestionable authority, relating to the use of a portion of the funds of the Bank of Tennessee, that may require me to send you, at no distant day, a special message. The interests of the State, and the just rights of the people, should be sacredly and vigilantly guarded, no matter who suffers ruin and disgrace.

WILLIAM G. BROWNLOW.

Public acts of the general assembly of the State of Tennessee, passed at the first session of the thirty-fourth general assembly, which was begun and held at Nashville on Monday, the third day of April, in the year one thousand eight hundred and sixty-five.

CHAPTER I.

AN ACT to regulate the county court of Shelby county.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That in the county of Shelby, in case of vacancy, removal, or when the county judge shall, from any cause whatever, fail to hold his court, and a majority of the magistrates shall fail to appear and elect a chairman, as is now provided by law, the clerk of said court shall give notice, in writing, to any judge or chancellor of said county, who shall have full power to hold said county court and discharge all the duties as the judge or chairman could do by law.

SEC. 2. This act to take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS.

Speaker of the Senate.

Passed April 23, 1865.

CHAPTER II.

AN ACT to increase the compensation of judges.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 4538 of the code of this State be so amended that each of the judges of the supreme court of this State, hereafter appointed or elected, shall be entitled to a salary of three thousand dollars per annum, payable quarterly out of the State treasury.

SEC. 2. *Be it further enacted*, That section 4539 of the code of this State be so amended that each chancellor, circuit, and criminal judge of this State, except county judges and judges of special courts, hereafter appointed or elected, shall be entitled to a salary of two thousand dollars per annum.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 8, 1865.

CHAPTER III.

AN ACT to increase the pay of public printer.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the public printer be paid an advance of fifty per cent. on the prices now allowed by law.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 10, 1865.

CHAPTER IV.

AN ACT to punish all armed prowlers, guerillas, brigands, and highway robbers, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That every man, or squad of men, who may hereafter make inroads for plunder upon the peaceable inhabitants of this State, and by force deprive them of their property, or endeavor so to deprive them, by the alarm caused by their being armed, when in fact he or they were not at the time part of any organized army and sharing continuously in its duties, but who sometimes return to their homes, with the assumption of the semblance of peaceful pursuits, divesting him or themselves of the appearance and character of soldiers, are hereby declared guerillas and highway robbers and brigands, and upon his or their conviction shall suffer death by hanging.

SEC. 2. *Be it further enacted*, That scouts or single soldiers, if disguised in the dress of the country, or clothed in the uniform of either army, who shall wilfully, maliciously and forcibly take from the possession or person of the peaceful citizens of the State their property by threats of violence, or the actual use of force and violence and under the terror of arms, shall, upon conviction, suffer death by hanging.

SEC. 3. *Be it further enacted*, That all armed prowlers, by whatever name they may be called, who shall wilfully, maliciously and forcibly make an attack upon any one of the peaceable citizens of this State for the purpose of robbing him or her, or of stealing his or her property, or of killing him or her, shall, on conviction, suffer death by hanging.

SEC. 4. *Be it further enacted*, That all persons who shall knowingly, willingly, and voluntarily feed any such person or persons as described in the previous sections of this act, or furnish them information for the purpose of aiding and assisting them in their unlawful and illegal objects, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary for a period of not less than five years nor more than twenty-one years.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 17, 1865.

CHAPTER V.

AN ACT to amend the criminal laws of the State of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That whoever shall feloniously take or steal any horse, mule, or ass, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offence is tried shall, if they think proper, commute the punishment to imprisonment in the penitentiary for the period of not less than ten nor more than twenty-one years.

SEC. 2. *Be it further enacted*, That whoever shall feloniously break open the house of another for the purpose of committing a larceny or robbery therein, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offender is tried and convicted may, if they think proper, commute the punishment for the offence to imprisonment in the penitentiary for the period of not less than ten nor more than twenty-one years.

SEC. 3. *Be it further enacted*, That whoever shall feloniously rob another, or steal from his person, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offender is tried and convicted may, if they think proper, commute the punishment to imprisonment in the penitentiary for a period of not less than ten nor more than twenty-one years.

SEC. 4. *Be it further enacted*, That any person duly convicted of house or bridge burning, shall suffer death by hanging: *Provided*, The jury, if they think proper, may commute the punishment to imprisonment in the penitentiary for a period of not less than ten nor more than twenty-one years: *And provided, further*, That nothing in this act shall be so construed as repealing the laws now in force for the punishing of the offences mentioned in this act; but all persons who have heretofore committed any of the offences mentioned in this act shall be tried under the existing laws, and, if convicted, shall be punished as now prescribed by law.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 17, 1865.

CHAPTER VI.

AN ACT to repeal the 3d article of the 5th chapter, title 5, of the Code of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 3d article of the 5th chapter, title 5, 2d part of the Code of Tennessee, be and is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 18, 1865.

CHAPTER VII.

AN ACT to establish the eighth chancery district of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That an eighth chancery district be, and is hereby, established in the State of Tennessee, to be composed of the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn.

SEC. 2. *Be it further enacted*, That the chancellor elected, pursuant to the provisions of this act, shall hold the courts in the several counties composing said district at the times and places in said counties now designated by law, and said chancellor shall have all the powers and emoluments given to other chancellors of this State; and until a chancellor shall be appointed or elected for said district, it shall be the duty of the present chancellor to hold the courts in said counties as heretofore.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 22, 1865.

CHAPTER VIII.

AN ACT to amend the revenue laws of the State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 553 of the Code of Tennessee be, and the same is hereby, amended, so that the following rate of taxation shall be levied and collected, as now provided for by law: on every taxable poll, one dollar; on every hundred dollar's worth of taxable property, twenty-five cents; on sales of land, one cent per acre; on sales of town lots, or parts of town lots, for each lot, or part, five dollars; on sales of merchandise by merchants, two cents on the dollar on its

invoice cost at the place where purchased, unless the tax on the same has once before been paid to the State, in which event no additional tax will be paid; on sales of merchandise by a peddler, for each county in which he travels, if on foot, twenty dollars; if on horseback, fifty dollars; if in a vehicle, fifty dollars; and for each vehicle, if he uses more than one, fifty dollars; on the regular business of selling at auction any article, the selling of which is not taxable, fifty dollars; in all other cases the same rate which is imposed on sales of merchandise on commission, on the regular business of selling goods, wares, and merchandise on commission, on the gross amount of sales, public and private, when the amount does not exceed ten thousand dollars, thirty-five dollars; between ten and twenty thousand dollars, sixty dollars; between twenty and thirty thousand dollars, eighty-five dollars; between thirty and forty thousand dollars, one hundred and ten dollars; and in like ratio: on the regular or general business of brokers, one thousand dollars; on granting policies of insurance, by other than companies chartered by the State, twelve hundred and fifty dollars; on the business of banking, by companies operating under the law to authorize and regulate the business of banking, thirty-five cents on each hundred dollars of the capital of each bank; on the business of banking by banks, or associations of persons of other States of the Union, three-fourths of one per cent. on the capital stated in the affidavit filed for the license as intended to be used in the succeeding twelve months; on discounting securities for money, shaving notes, two cents on every dollar employed, but in no case less than ten dollars; on theatrical exhibitions, if the theatre or place of exhibition be in a city, five hundred dollars; if in other places, fifty dollars; on exhibiting for profit a circus, or circus and animal show, feats of activity or strength, if in a city, one hundred dollars for each day and night exhibition; if in any other places than aforesaid, fifty dollars, on keeping a confectionery, ice-cream saloon, and other places of refreshment, seven and a half per cent. on the capital employed, and the keeper shall take out a license as merchants by law are now required, and shall, in addition to said per centum, pay ten dollars for each privilege; on each petition filed in any court of record for the division and distribution of estates, five dollars; on each appeal, writ of error, or certiorari from the circuit or chancery court to the supreme court, five dollars; on each appeal or certiorari, from before a justice of the peace, three dollars and fifty cents; on each presentment or indictment, three dollars and fifty cents; on each original suit in any of the courts of law or equity in this State, five dollars.

SEC. 2. *Be it further enacted*, That the owners of steam, saw, and grist mills, erected upon the lands of another, shall pay an annual tax to the State of one hundred dollars; that all persons who set themselves up as lawyers, and propose to practice law in any of the courts of the State, or hold within the State, or before any military commission, shall pay an annual tax to the State of twenty-five dollars; that all persons who propose so to practice shall take out a license from the county court clerk of some county, certifying that the tax has been paid. Any person proposing to, and practicing as aforesaid, failing, or refusing to take out said license, shall pay a double tax, to be recovered before any circuit court of the State where motion is made by the attorney general of any district, upon ten days' notice to said delinquent, either by publication in some newspaper in the State, or in writing.

SEC. 3. *Be it further enacted*, That all persons who set themselves up as doctors of medicine or surgeons (the term doctor, to include all persons who, for pay, propose to cure diseases, public or private, and the term surgeon shall be taken in the general application of the term, and shall include dentists,) shall pay an annual tax to the State of twenty-five dollars; license to be obtained, payment made, and recovery had, as provided for in the second section of this act, governing lawyers.

SEC. 4. *Be it further enacted*, That all persons known as photographers, and dealing in photographic and ambrotype apparatus and material, shall take out a license, and pay the same tax to the State as merchants now pay; and all persons who are or may hereafter set themselves up as artists, for the purpose of taking photographs, ambrotypes, or daguerrean likenesses, if in a city, for each gallery opened, one hundred dollars; at any other place, excepting in the country, twenty-five dollars; if in the country, five dollars; (the term gallery to mean any place where the artist takes pictures;) said tax to be paid to the clerk of the county where the gallery is opened. Any person opening a gallery as aforesaid, without paying the tax, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 5. *Be it further enacted*, That sub-section two of section 691 of the code of the State be, and is hereby, amended, by striking out the words "twenty-five dollars" and inserting the words "fifty dollars," and by striking out the word "ten" and inserting the word "twenty."

SEC. 6. *Be it further enacted*, That the foregoing tax shall be assessed and collected as is now provided by law; that any county which refuses or fails to make the assessment and appoint a tax collector to collect the taxes due the State within the year 1865, unless the governor of the State shall be satisfied that the people of the county made honest efforts so to do, and it was impossible for them to comply with this act, shall pay a double tax; and the governor shall send an assessor of his own appointing to said county, with a sufficient posse to levy and collect said double tax; that the collector so appointed shall seize a sufficiency of the delinquent's personal property to satisfy the taxes and charges, and sell the same in any county of the State where he can get bidders, after giving the notice now re-

quired by law. If the delinquent have no personal property of which to make the taxes, then the collector shall levy on sufficient real estate to pay the same, and shall return the facts to the nearest county having resumed civil functions; and upon return of a written statement of the facts, the circuit court shall, at the second term of the court, condemn the real estate of the delinquent, or so much thereof as will be of value sufficient to satisfy the taxes and costs. And the collector shall, after giving forty days' notice in writing, posted on the court-house door of the county where the land was condemned, as well as in the county where the land is situated, if practicable, sell the same at public outcry to the highest bidder, in the same manner, and with the same conditions, and upon the same terms, as now provided by law; but this section shall not apply to soldiers belonging to the United States army, or soldiers that have served in the same and have been honorably discharged, or their widows or minor children.

SEC. 7. *Be it further enacted*, That the 553d section of the Code of Tennessee be so amended as to read as follows: "On keeping a tract for turf-racing, two hundred dollars; for half-mile tracts, one hundred dollars; for quarter-mile tracts, fifty dollars."

SEC. 8. *Be it further enacted*, That any person of undoubted loyalty residing in a county where the tax has been collected, as provided in this act, shall have the privilege of paying his tax at any time before or at the time the collector comes into the county to collect the double tax provided by this act.

SEC. 9. *Be it further enacted*, That all express companies doing business in the State of Tennessee shall take out a license from the comptroller, and pay over to him one thousand dollars for the privilege of doing business; and, in addition, give bond to the comptroller of five thousand dollars, to account and pay over one-half of one per cent. on their income from their business done in this State.

SEC. 10. *Be it further enacted*, That the tax assessed on lawyers, by this act, shall be collected by the clerk of the county court of the county where the lawyer resides. Said clerk shall issue license.

SEC. 11. *Be it further enacted*, That all persons who are engaged in tanning leather as an occupation, shall pay into the treasury of the State twenty-five dollars as a privilege tax.

SEC. 12. *Be it further enacted*, That, after paying the interest on the State debt proper and current expenses of the State, the sum of eight hundred thousand dollars be applied to common school purposes, in addition to what is now allowed by law for said purposes. That all the laws of the State upon the subject of taxes, except as altered or repealed by this act, are still in full force and effect. That the county courts of this State shall have the power to embrace in the catalogue of subjects of taxation for county purposes all subjects mentioned in this act. This act shall take effect from and after the date of its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 24, 1865.

CHAPTER IX.

AN ACT to more effectually manage the penitentiary, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the salary of the keeper of the penitentiary of the State shall be two thousand dollars a year, and no more; and that section 5442 of the code be, and the same is hereby, repealed, so far as it gives to the keeper one hundred dollars a year for the board of each assistant keeper.

SEC. 2. *Be it further enacted*, That all of the assistants, clerks, guards, and other employés, shall be boarded at the expense of the penitentiary, without any compensation being paid to the keeper; and it is hereby made the duty of the keeper to have the food properly prepared without any additional expense to the penitentiary.

SEC. 3. *Be it further enacted*, That the keeper of the penitentiary shall hereafter be elected by the joint vote of the general assembly of the State of Tennessee, in convention assembled.

SEC. 4. *Be it further enacted*, That the penitentiary shall be enlarged; and for this purpose the inspectors and keeper of the penitentiary are hereby instructed and required to direct the labor of the convicts to that end and object, so as to enclose the ground belonging to the penitentiary now open, or so much thereof as, in their opinion, the necessities of the institution may require.

SEC. 5. *Be it further enacted*, That the attorney general of the State be, and is hereby, instructed and commanded to examine into the item of the account showing that there is due to the penitentiary the sum of fifty thousand one hundred and thirty-two dollars and eighteen cents, by note and account; and if said indebtedness has been created since the year 1858, to institute legal proceedings against the keepers and their securities, who have created said in-

debtedness in violation of law; and for this purpose he may procure competent counsel to represent the interests of the State, who shall be paid as the general assembly may hereafter direct.

SEC. 6. *Be it further enacted*, That the office of auditing clerk in the penitentiary be, and the same is hereby, repealed.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 24, 1865.

CHAPTER X.

AN ACT to provide for the limitation of actions, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That no statute of limitations shall be held to operate from and after the 6th day of May, 1861, to the 1st day of January, 1867, and from the latter date the statutes of limitations shall commence their operation according to existing laws, and the time between the 6th day of May, 1861, and the 1st day of January, 1867, shall not be computed, nor shall any writ of error be refused or barred in any suit decided since the 6th day of May, 1861, or within one year immediately prior to that date by reason of lapse of time.

SEC. 2. *Be it enacted*, That the statutes of limitations prescribed in chapter 2, article 3, section 2784 of the Code of Tennessee, shall not be held to operate, or the time be computed from the 6th of May, 1861, to the 1st of January, 1867, and from and after the 1st day of January, 1867, said statutes of limitation shall commence its operations according to existing laws.

SEC. 3. *Be it enacted*, That if at any time any cause of action shall accrue against any person who shall be out of this State, the action may be commenced within the time limited therefor, after such persons shall come into the State, and after any cause of action shall have accrued, the person against whom it has accrued shall be absent from, or reside out of the State, the time of his absence or residence out of State shall not be taken as any part of the time limited for the commencement of the action.

SEC. 4. *Be it further enacted*, That in all cases where real estate is subject to redemption, as prescribed in chapter 5, section 2124 to 2137, inclusive, of the Code of Tennessee, the time between the 6th day of May, 1861, and the 1st day of January, 1867, shall not be held to operate, or be computed, and all persons entitled to redeem such real estate shall have six months from and after the 1st day of January, 1867, to redeem the same according to existing laws.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 30, 1865.

CHAPTER XI.

AN ACT to fix the fees to be paid by commissioners of deeds resident in other States.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the secretary of state shall be allowed a fee of five dollars for affixing the great seal of the State to the commission of each commissioner of deeds for this State.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 31, 1865.

CHAPTER XII.

AN ACT for the relief of indigent families of soldiers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county courts of this State shall have power, at any quarterly term, a majority of the justices of the peace of the county being present, to levy a tax on property privileges and polls, to raise a fund for the relief of indigent families of soldiers in the United States army; said fund to be collected and paid to the trustee, as now provided for by law: *Provided*, That the widowed

mothers, wives, and minor children of soldiers who have died in the federal service shall have the benefit of this act in common with the families of those still living.

SEC. 2. *Be it further enacted*, That the fund raised under the provisions of the first section of this act shall be under the control of the county court of the county where raised, and shall be used only for the purpose for which it was raised, unless the necessity for which it was intended ceases, then it shall become a part of the general fund of the county.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. ROGERS,

Speaker of the Senate.

Passed May 31, 1865.

CHAPTER XIII.

AN ACT to amend the corporation of the city of Shelbyville, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the sheriff of Bedford county shall open and hold, upon ten days' notice, an election for mayor and aldermen, and other officers of the town of Shelbyville, according to existing laws, who, when elected, shall have all the powers, until their successors are elected at the next regular election and qualified as required by law, that are conferred by law on said mayor and aldermen, and other officers of the corporation of said town of Shelbyville.

SEC. 2. *Be it further enacted*, That the sheriff of each county in the State shall open and hold, upon ten days' notice, an election for mayor and aldermen, and other officers in any incorporated town, village, or city, according to existing laws; who, when elected, shall have all the powers conferred on them by their respective charters of incorporation, and until their successors are elected and qualified, as required by law.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. ROGERS,

Speaker of the Senate.

Passed May 31, 1865.

CHAPTER XIV.

AN ACT to change the times of holding the chancery courts at Athens and Benton, in this State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the chancery court at Athens, McMinn county, Tennessee, shall hereafter be holden on the fourth Mondays of May and November in each year, instead of third Mondays of February and August, as now provided by law. The first court after the passage of this act shall be holden on the third Monday of February next, as heretofore, but forever thereafter the chancery courts at Athens shall be holden, commencing on the fourth Mondays of May and November, as above provided.

SEC. 2. *Be it further enacted*, That hereafter the chancery courts at Benton, in Polk county, Tennessee, shall be holden on the third Mondays of June and December in each year, instead of the first Mondays of February and August, as now provided by law; and the first court after the passage of this act shall be holden on the third Monday of June, 1865.

SEC. 3. *Be it further enacted*, That the chancery courts for the eighth chancery division of this State shall be held at the following times and places each and every year: fourth Mondays of May and November at Athens, McMinn county, Tennessee; first Mondays of June and December at Madisonville, Monroe county, Tennessee; fourth Mondays of June and December at Maryville, Blount county, Tennessee; Thursday after the third Mondays of April and October at Kingston, Roane county, Tennessee; first Mondays of April and October at Knoxville, Knox county, Tennessee; second Mondays of April and October at Sevierville, Sevier county, Tennessee; first Mondays of May and November at Clinton, Anderson county, Tennessee.

SEC. 4. *Be it further enacted*, That hereafter all process issued from any of said chancery courts, in the eighth chancery division of this State, shall be made returnable to the times and places mentioned in this act, and that the next chancery court at Maryville, Blount county, Tennessee, shall be holden on the fourth Monday of December, 1865, instead of the time heretofore provided for by law.

SEC. 5. *Be it further enacted*, That the chancellor of the eighth chancery division of this State, shall have full power and authority to hold the circuit courts of the counties composing said chancery division, whether by interchange with a circuit judge or not; and such circuit courts as he may hold, and such causes as he may try and determine in such circuit, shall be

good and valid, to all intents and purposes, and he shall have and exercise all the powers of circuit judges.

SEC. 6. *Be it further enacted*, That the chancery court at Taylorsville, for Johnson county shall be held on the third Mondays of April and October.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 2, 1865.

CHAPTER XV.

AN ACT to repeal an act passed on the 19th day of March, 1860, to repeal section 4766 of the code, and to re-enact section 4766 of the code.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or general government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together to contrive, invent, suggest, or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences, thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the government, or shall knowingly conceal such evil practice, shall be punished by fine and imprisonment at the discretion of the court and jury trying the case, and may be compelled to give good and sufficient sureties for his or her good behavior during the court's pleasure, and shall be incapable of bearing any office of honor, trust, or profit in the State government for the space of three years.

SEC. 2. *Be it further enacted*, That it shall be the duty of the judges to give this act in charge to the grand jury, and no prosecutor shall be required to an indictment under this act.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 3, 1865.

CHAPTER XVI.

AN ACT to limit the elective franchise.

Whereas the first article and the first section of the declaration of rights in the constitution of the State of Tennessee declares: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper; and whereas a large and respectable convention of the free and loyal people of the State of Tennessee met in the city of Nashville, on the 9th day of January, 1865, and proposed certain alterations and amendments to the constitution of the State of Tennessee, for rejection or ratification by the loyal people on the 22d of February following; and whereas said amendments and schedule were solemnly ratified with great unanimity by the authoritative voice of the people; and whereas the 8th section of said schedule provided for the election of a governor and members of the legislature on the 4th day of March, 1865, and who, in accordance therewith, were elected by the ballots of the loyal people; and whereas the same authoritative voice, in section 9th of the schedule, delegated to the general assembly meeting *first* under this amended constitution, the right to fix the qualification of voters and the limitation of the elective franchise; therefore, acting faithfully under and in accordance with this delegation of supreme power—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the following persons, to wit:

1. Every white man twenty-one years of age, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, and publicly known to have entertained unconditional Union sentiments from the outbreak of the rebellion until the present time; and

2. Every white man, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, having arrived at the age of twenty-one years since March 4, 1865: *Provided*, That he has not been engaged in armed rebellion against the authority of the United States voluntarily; and

3. Every white man of lawful age coming from another State, and being a citizen of the United States, on proof of loyalty to the United States, and being a citizen of the county wherein he may offer his vote six months next preceding the day of election; and

4. Every white man, a citizen of the United States and a citizen of this State, who has served as a soldier in the army of the United States, and has been or may be hereafter honorably discharged therefrom; and

5. Every white man of lawful age, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, who was conscripted by force into the so-called confederate army, and was known to be a Union man, on proof of loyalty to the United States, established by the testimony of two voters under the previous clauses of this section; and

6. Every white man who voted in this State at the presidential election in November, 1864, or voted on the 22d of February, 1865, or voted on the 4th of March, 1865, in this State, and all others who had taken the "oath of allegiance" to the United States, and may be known by the judges of election to have been true friends to the government of the United States, and would have voted in said previously mentioned elections if the same had been holden within their reach, shall be entitled to the privileges of the elective franchise.

SEC. 2. *Be it further enacted*, That all persons who are or shall have been civil or diplomatic officers or agents of the so-called Confederate States of America, or who have left judicial stations under the United States or the State of Tennessee to aid, in any way, the existing or recent rebellion against the authority of the United States, or who are or shall have been military or naval officers of the so-called Confederate States, above the rank of captain in the army or lieutenant in the navy; or who have left seats in the United States Congress or seats in the legislature of the State of Tennessee to aid said rebellion, or have resigned commissions in the army or navy of the United States, and afterwards have voluntarily given aid to said rebellion; or persons who have engaged in treating otherwise than lawfully, as prisoners of war, persons found in the United States service as officers, soldiers, seamen, or in any other capacities; or persons who have been or are absentees from the United States for the purpose of aiding the rebellion; or persons who held pretended offices under the government of States in insurrection against the United States; or persons who left their homes within the jurisdiction and protection of the United States, or fled before the approach of the national forces and passed beyond the federal military lines into the so-called Confederate States, for the purpose of aiding the rebellion, shall be denied and refused the privilege of the elective franchise in this State for the term of fifteen years from and after the passage of this act.

SEC. 3. *Be it further enacted*, That all other persons, except those mentioned in section 1 of this act, are hereby and henceforth excluded and denied the exercise of the privilege of the elective franchise in this State for the term of five years from and after the passage of this act.

SEC. 4. *Be it further enacted*, That all persons embraced in section 3 of this act, after the expiration of said five years, may be readmitted to the privilege of the elective franchise by petition to the circuit or chancery court, on proof of loyalty to the United States, in open court, upon the testimony of two or more loyal citizens of the United States.

SEC. 5. *Be it further enacted*, That so long as any of the white citizens of the State of Tennessee, who by this act are entitled to exercise the elective franchise, shall be connected with the army of the United States, or with the military force of this State in actual service, the governor shall issue writs of election to the commanding officers of such brigades, regiments, or detachments of Tennessee soldiers, wherever located, who shall open and hold the election, and receive the votes of their respective commands, and return the same to the secretary of state, and which shall be counted in the same way and manner as if said votes had been cast in any of the counties of the State to which the soldiers belonged.

SEC. 6. *Be it further enacted*, That it shall be the duty of the county court clerk, in each county, to open and keep a registration of voters, and before whom proof, under oath, that the voter falls within the provisions of article 1 of this act, shall be made: *Provided*, No man of publicly known Union sentiments shall be required to make oath in doing the same; and said clerk shall receive such compensation as the county court in each county may deem proper; and also said clerk shall issue to all such persons a certificate of registration, and no one shall be permitted by the judges of election to vote unless so registered.

SEC. 7. *Be it further enacted*, That any voter may be challenged by an admitted voter of section 1 of this act, on offering his vote; and thereupon the judges of election shall peremptorily administer to the person so challenged, before permitting him to vote, the following oath, said oath also to be taken by all judges of election and candidates for office:

"OATH.

"I solemnly swear that I will henceforth support the Constitution of the United States and defend it against the assaults of all its enemies; that I am an active friend of the government of the United States; that I will heartily aid and assist the loyal people in whatever measures may be adopted under the Constitution of the United States, and under all laws and proclamations made in pursuance thereof, to establish the national authority over all the people of every State and Territory embraced in the national Union; and that I will faithfully and most heartily support and defend the constitution of the State of Tennessee, and the amendments and schedule thereunto appended and adopted by the people on the 22d day of February, 1865; and also all acts of the general assembly assembled in accordance

therewith; and that I take this oath freely, voluntarily, and without mental reservation: So help me God."

SEC. 8. *Be it further enacted*, That any person taking this oath falsely shall be guilty of perjury, and shall suffer the pains and penalties attached to that crime.

SEC. 9. *Be it further enacted*, That the power is reserved to alter, amend, or change the provisions of this act at any time when, in the opinion of this general assembly of the State, it is right and proper to do so.

SEC. 10. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XVII.

AN ACT to repeal an act incorporating a military department in Andrew College, and the Memphis Arms Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the acts incorporating a military department in Andrew College, and the Memphis Arms Company, which were passed January 30, 1861, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That an act passed January 31, 1861, authorizing the mayor of the city of Memphis and the sheriff of Shelby county to call out the 154th regiment to suppress insurrection, riot, or invasion, at the expense of the city and county, be, and the same is hereby, repealed.

SEC. 3. *Be it further enacted*, That an act to incorporate the Memphis Light Dragoon Company, which was passed January 31, 1861, be, and is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XVIII.

AN ACT to amend section 117 of the code, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the criminal court of the county of Montgomery be, and the same is hereby, abolished; and that the jurisdiction of said court be, and the same is hereby, conferred upon the circuit court of Montgomery county as fully and completely as can by law be done.

SEC. 2. *Be it further enacted*, That all of the causes in the criminal court of Montgomery county shall be transferred to the circuit court of Montgomery county, and all bonds taken for the appearance of defendants be returnable to the first Tuesday after the second Monday in September, 1865, before said circuit court.

SEC. 3. *Be it further enacted*, That the circuit judge of the tenth judicial circuit of the State of Tennessee shall have full power to try all such criminal causes as may be thus transferred to it, or that may hereafter arise in the county of Montgomery; and that he is hereby clothed with full power to fix a day at each term of his court when all such business shall be taken up.

SEC. 4. *Be it further enacted*, That there shall be regularly empanelled a grand jury for the county of Davidson, which shall be elected, sworn, and empanelled by the circuit court of Davidson county, and shall have its sittings during the regular session of said court, and with full power of all other grand juries in the State; and that the bills and presentments so made by the grand jury thus empanelled and returned, shall be regularly transferred to the criminal court of Davidson county for process to issue, and trial to be had, as in other criminal cases.

SEC. 5. *Be it further enacted*, That the circuit court of Montgomery county shall have full power, with all other criminal courts of the State, to organize and empanel a grand jury as now provided for by law.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XIX.

AN ACT to authorize the investment of trust funds, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the courts of law and equity in this State be, and they are hereby, authorized to have the money and funds in the hands of clerks and receivers, or trustees, in litigation, or under the control of said courts, invested in the public stocks or bonds of the United States, under such rules and orders in each case as may be legal and just.

SEC. 2. That guardians, executors, administrators, and trustees shall also be authorized and empowered to invest money and funds in their hands in the public stocks or bonds of the United States, and make report thereof to the county court of the county where such guardian, executor, administrator, or trustee resides, unless another mode of investment is required by will or deed of the testator or other person who has established the funds.

SEC. 3. This act to be in force from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XX.

AN ACT to establish a claim agency of Tennessee in the city of Washington.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the governor, by and with the advice and consent of the Senate, be, and he is hereby, directed to appoint an agent for the State of Tennessee, learned in the law and faithful in business, who shall keep his office in the city of Washington, whose duty it shall be, whenever requested by the party or parties interested, to prosecute before the Court of Claims at Washington, or before any of the departments at Washington, any claim or demand growing out of the existing war which the State of Tennessee, or any citizen or soldier thereof, has against the government of the United States: *Provided*, That the person appointed under this act shall hold no other office or appointment under the United States or the State of Tennessee.

SEC. 2. *Be it further enacted*, That it shall be the duty of said agent to answer all communications addressed to him by any Tennessee soldier or citizen, or any officer of the State government, in regard to any matter of business in any of the departments at Washington.

SEC. 3. *Be it further enacted*, That said agent shall perform such other duties as may from time to time be required of him by the governor, and may be removed by the governor whenever, in his opinion, the interest of the people of Tennessee require it.

SEC. 4. *Be it further enacted*, That the agent appointed under this act shall not, directly or indirectly, receive or charge any fee for services rendered under this act to Tennessee soldiers, their widows, heirs, and legal representatives; nor shall he purchase, trade, or deal in any claim against the United States, whether the same is or is not in his hands for collection.

SEC. 5. *Be it further enacted*, That any violation by said agent of the provisions of the preceding section shall be a misdemeanor in office, and punishable by fine or imprisonment, or both, at the discretion of the jury. He may be indicted in the circuit court of the county where the claimant or soldier resides, or in the circuit court of the county in which the agent resides.

SEC. 6. *Be it further enacted*, That, before entering on the discharge of the duties of his office, he shall take the oath that other officers of this State are required, under the Constitution, to take, and shall execute a bond with sufficient security, to be approved of by the governor, conditioned that he will faithfully and diligently discharge the duties of his office; make full, fair, and complete returns of all claims and funds which may come into his hands or may be intrusted to him, and pay over to the claimant all money, vouchers, and effects which he may receive for any claimant; and that he will not, directly or indirectly, purchase, trade, or deal in any claim whatever against the United States; which bond shall be filed and preserved in the office of the secretary of state, and upon which any one aggrieved may maintain a suit for any breach thereof, and any recovery on the same shall not bar any other suit upon the same for any other and distinct cause of action.

SEC. 7. *Be it further enacted*, That the agent shall receive, as compensation for his services under this act, a salary of fifteen hundred dollars, payable out of the State treasury.

SEC. 8. *Be it further enacted*, That for prosecuting the claims of the State, or the claims of soldiers, their widows, heirs, and legal representatives, said agent shall receive no other compensation than the salary herein allowed, but for prosecuting and collecting the claims of other persons, citizens of Tennessee, he is allowed to charge any fee agreed upon between him and the claimant not exceeding five per centum on the amount of the claim allowed, where such allowance is one hundred dollars or less; if over one hundred and not exceeding

one thousand dollars, five dollars on the first hundred dollars and three per centum on the residue may be charged, and if more than one thousand dollars, then two and a half per centum on the excess over one thousand dollars collected: *Provided*, The agent shall not attend to the prosecution of the claims of any other State, and for a violation of this section he shall be dismissed from his office by the governor, and on indictment in the circuit court of the county where the claimant resides, fined in a sum not exceeding five times the amount of fees charged.

SEC. 9. *Be it further enacted*, That the agent shall hold his office for a period not exceeding two years from the first day of October, 1865; and in the event of his death, resignation, or removal from office, the governor may appoint a successor for the unexpired term, who shall receive the office, books, papers, and claims of his predecessor, and be governed by the provisions of the foregoing sections of this act.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage, and shall continue in force until the first day of October, eighteen hundred and sixty-seven.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XXI.

AN ACT for the benefit of discharged Union soldiers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That all discharged Union soldiers, who have served either as State or Federal soldiers, and have been honorably discharged the service, and all citizens who have always been loyal, shall be permitted to carry any and all necessary side-arms, being their own private property, for their personal protection and common defence.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XXII.

AN ACT accepting on the part of the State of Tennessee a grant of lands made by the United States to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That an act of Congress of the United States, approved July 5, 1862, entitled an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, and the grant of land and land scrip thereby made be, and the same is hereby, accepted on the part of the State of Tennessee.

SEC. 2. *And be it enacted*, That the said grant of land and land scrip is hereby accepted for the purposes and upon the conditions in said act of Congress specified, and the assent of the State of Tennessee to the several conditions and provisions in said act contained is hereby signified and expressed.

SEC. 3. *And be it enacted*, That the governor of this State, and such person as he shall appoint for that purpose, are hereby appointed commissioners for the State to receive from the Secretary of the Interior, or other officer of the United States, the land scrip to which the State of Tennessee is or may be entitled under the act of Congress aforesaid; said scrip to be held by said commissioners for the State until provision is made by law for the sale thereof and investment of the proceeds in accordance with the provisions of said act of Congress.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XXIII.

AN ACT to provide for the payment of certain counsel fees.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That in all cases where suits have been brought, or may hereafter be brought, against any persons that have been connected as president, cashier, directors, debtors, or in any way liable to the

Bank of Tennessee or branches, by attorneys, instructed by the attorney general of the State to bring said suits, said attorneys shall be paid such compensation for their services as the governor, secretary of the State, and the attorney general of the State may deem just; the same to be paid out of any money in the treasury not otherwise appropriated, upon the certificate of said officers certifying the amount to the comptroller.

SEC. 2. *Be it further enacted*, That in all cases where the interest of the State requires (in the judgment of the governor and attorney general of the State) additional counsel to the attorney general of the State or district attorney, the governor shall employ such counsel, who shall be paid as provided in the first section of this act. This act to take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 7, 1865.

CHAPTER XXIV.

AN ACT for the protection of sheriffs and other civil officers of the State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the sheriffs of the several counties in this State are hereby authorized to raise a posse of men, not to exceed twenty-five in number, as a county patrol, and to aid the sheriff and all other civil officers of the county in enforcing civil law and order; and, further, the sheriffs of the different counties in this State shall, in all cases of emergency, have discretionary power to summon, in addition to the posse granted by this act, as many more men as will, in his judgment, be sufficient to either capture or disperse all opposing forces.

SEC. 2. *Be it further enacted*, That the above county guards shall consist of the citizens of the county, and none shall be eligible to serve but such as have a good moral character and unquestionably loyal to the United States and State of Tennessee.

SEC. 3. *Be it further enacted*, That the expense of raising and keeping in said service the above force shall be paid by the county in which it is raised, and the clerk of said county shall keep a current account of all such expenses, and report the same to the comptroller of the State, and that the county court shall have power to disband the same when in their opinion the causes for which they were raised shall have passed away.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 7, 1865.

CHAPTER XXV.

AN ACT "to regulate the stock of the county of Sumner in the Nashville and Louisville railroad, and for other purposes."

Whereas, under the authority of an act of the general assembly of the State of Tennessee, the citizens of Sumner county voted to subscribe \$300,000 stock in the Louisville and Nashville railroad; and whereas, by a subsequent act of the legislature, said subscription was paid by the issuance of the bonds of the county, payable in twenty years, with six per cent. interest, payable semi-annually in the city of New York, \$100,000 of which are dated the 1st of June, 1854, \$100,000 of which are dated 1st of June, 1855, and the remaining \$100,000 the 1st of June, 1856; all of which were delivered to the president of the Louisville and Nashville railroad, and for which the county received a certificate of stock in said railroad to the amount of \$300,000; and whereas there has been no provision made for the redemption of the bonds of the county, issued as aforesaid to pay off the interest that has accrued since the 1st day of January, 1861:

Now, therefore, in order to enable the people of said county to free themselves from said indebtedness,

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county judge of Sumner county shall have the power, and it is hereby made his duty, to advertise in some one of the papers published in the city of Nashville and Louisville, requesting the holders of the bonds of Sumner county to file in his office their amount, date, and number, and to open a negotiation with said holders for the payment of said bonds in the stock of said county in the Louisville and Nashville railroad, at par; and in all cases where the holders of any of said bonds shall agree to take said stock, or a regular transfer thereof, dollar for dollar, then the said county judge shall make said exchange, and by power of attorney acknowledged before the clerk of the county court, or in person, transfer, said stock upon the

books of the company to such holder, or his, her, or their order, and receive in lieu of said stock such bond or bonds so paid; and he shall report to the next term of the county court all of the bonds so taken up. As he shall so receive a bond, he shall write in legible letters across its face cancelled, with the date and his official signature; and it shall be his duty, in the presence of the clerk thereof and such justices of the peace as may be present, to cancel said bonds, and record shall be made upon the minutes of said court of said cancellation.

SEC. 2. *Be it further enacted*, That, to meet any interest due on said bonds, the county judge of Sumner county is authorized and required to ascertain from said company what is the amount of dividends due the county on said stock; and after giving three months' notice to holders of coupons in the papers aforesaid, he will *pro rata* the same among said holders who shall present the same as notified, and give such parties delivering up their coupons authority to draw their portion of said dividends, and as coupons shall be thus taken up, they shall be cancelled in like manner *provided for the cancellation of the bonds*: *Provided, however*, That in case any holder of a bond with interest due thereon from the 1st of January, 1861, shall be willing to exchange his bond and interest for the like amount of stock and such dividends as may be due, then said county judge shall make said exchange and deliver the necessary transfers; all of which shall be reported as aforesaid.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate

Passed June 7, 1865.

CHAPTER XXVI.

AN ACT to accept the surrender of the charter of the Bank of Middle Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the surrender of the charter of the Bank of Middle Tennessee, at Lebanon, be accepted, and that the stockholders in said bank have three years to settle or liquidate the business; and that all persons holding the notes of said bank shall present them to said bank for payment within three years, or afterwards they will be barred; that said stockholders shall have all the privileges conferred by their charter which are necessary to the collecting the debts and liquidating said bank, and that said bank be exempted from the tax imposed by its charter during the three years granted by this act.

SEC. 2. *Be it further enacted*, That no bank in this State shall be employed to act as a fiscal agent of the State whose president and cashier and directors have not been since the beginning of the rebellion, and are now, unconditional Union men.

SEC. 3. *Be it further enacted*, That all stock banks in this State shall be allowed to surrender their charters upon the same terms, and have the same time allowed them in which to wind up their business as is allowed by this act to the Bank of Middle Tennessee: *Provided*, That each application shall be accompanied by a special exhibit of the bank, showing its ability to meet all its liabilities.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXVII.

AN ACT to repeal the law apportioning money to division fairs and county societies

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 284 of article 3, chapter 4, title 3, of the code be, and is hereby, repealed.

SEC. 2. *Be it further enacted*, That section 296 of article 4, chapter 4, title 3, of the code be, and is hereby, repealed.

SEC. 3. *Be it further enacted*, That no money shall be paid out of the treasury for any annual appropriation to division fairs and county societies that may be due them, or which they may claim for any past year or years; and that this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8 1865.

CHAPTER XXVIII.

AN ACT to supply lost deeds and title papers.

Whereas, under the casualties of war, many of the records belonging to the several offices of the registers of the different counties in the State have been lost and destroyed, and it is necessary to preserve, as far as possible, the muniments of title to land: Therefore,

Be it enacted by the general assembly of the State of Tennessee, That the present or any subsequent owner of land in this State may, for the purpose of perpetuating the evidence of his title to his land, carry to any of the registers of the counties in this State where his land or lands are situated the original conveyances which may be in his possession, or the possession of any one else, and have the same recorded by said register in the register's books, together with the certificate attached to said original conveyances showing that it had been previously duly registered; and if the owner of the land should be informed of the existence of any original conveyance in the possession of any third party who will not voluntarily produce it for registration, then the register, on the application of the owner of the land in writing, may cause a subpoena *duces tecum* to issue to compel the holder to produce said deed or conveyance, so that it may be registered for the security of the title of the claimant or owner. The register shall receive the same fees as now fixed by law for similar services, to be paid by the applicant. And this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXIX.

AN ACT to modify the oath prescribed for liquor dealers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the oath prescribed in article 6, section 691, of the code be, and is hereby, so amended as to read as follows, to wit:

"I do solemnly swear (or affirm) that I will not, under the license which I am about to obtain, knowingly permit or connive at any gaming for money, or any other valuable consideration, in the house in which I may retail spirits, or in any other place of which I may have control, either directly or indirectly; and if any person should game or bet to my knowledge, (and I will exercise due diligence to know,) I will give information thereof to the grand jury of my county at the next term of the court: So help me God."

SEC. 2. *Be it further enacted*, That all persons now holding license under said section (691) may return the same to the clerk of their respective county courts, and demand in lieu thereof (on payment of the usual clerk's fee for a new license) a license for their unexpired time, in conformity with this act.

SEC. 3. *Be it further enacted*, That so much of said section as is in conflict with this act be, and the same is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 8, 1865.

CHAPTER XXX.

AN ACT to release the citizens from paying the State and county taxes for the years 1862, 1863, and 1864.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the people of the State of Tennessee be, and are hereby, released from the payment of the State tax for the years 1862, 1863, and 1864: *Provided*, That nothing in this act shall be so construed as to refund to the people any taxes already collected for said years.

SEC. 2. *Be it further enacted*, That the county courts of the respective counties in this State may release the people of their counties from the payment of the county taxes for the years specified in the first section of this act: *Provided*, Nothing in this section shall be so construed as to refund any county taxes already collected.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXXI.

AN ACT to amend "An act to reform and regulate banking in Tennessee," passed February 6, 1860.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 32d section of said act be so amended as that the surrender of charters of banks therein provided for may be made to the governor of the State of Tennessee, at any time when the legislature of said State is not in session, and that such surrender shall be, to all intents and purposes, as good and valid as if made to the legislature.

SEC. 2. *Be it further enacted*, That the same privileges mentioned in the first section of this act are conferred upon all stock banks in the State, and each and every bank in the State is hereby authorized and empowered to make an assignment of the effects of said bank or banks, to any trustee or trustees, receiver or otherwise: *Provided*, That said assignment is made so as to give the preference to the bill-holders thereof, over all other creditors of such bank or association: *And provided*, The assets so transferred and assigned are made secure in the hands of the trustee, receiver, or agent.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXXII.

AN ACT to declare and make valid certain acts of certain officers of this State.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That all process, original, mesne or final, issued since the first day of September, 1863, by clerks de facto, acting in good faith, of the county, circuit, or chancery courts, holden under the true and lawful government of the State, or under authority of the United States, be, and is hereby declared, good and valid in law.

SEC. 2. *Be it further enacted*, That all process issued from said courts, since said period of time, served or executed by any sheriff, coroner, or constable de facto, and acting in good faith, be, and is hereby, declared to be legally served and executed in law, and shall be held good and valid in law: *Provided*, No execution of any order, judgment or decree, or sale thereunder, shall be deemed or taken to be good or valid in law, unless said court had jurisdiction thereof, and said order, judgment or decree, or sale thereunder, was valid and binding in law.

SEC. 3. *Be it further enacted*, That the governor of the State be, and is hereby, authorized to commission all officers elected in the county of Carroll, under the proclamation of Andrew Johnson, military governor of the State of Tennessee, on the first Saturday in March, 1864, and that the county and circuit courts of said county take all proper bonds of the said officers, and qualify them according to law.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXXIII.

AN ACT to provide for the payment of the governor's staff.

Be it enacted by the general assembly of the State of Tennessee, That the comptroller of the State shall keep an account with the officers composing the governor's staff, and shall settle with them every two months, and shall issue his warrant upon the treasurer for the amount due them from time to time; and that this act shall take effect from and after the date of its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 9, 1865.

CHAPTER XXIV.

AN ACT to apportion the representation in the Congress of the United States.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Hancock, Green, Cocke, Jefferson, Granger, and Sevier shall compose the first congressional district of this State.

The counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane shall compose the second congressional district of this State.

The counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress shall compose the third congressional district of this State.

The counties of Rutherford, Cannon, Coffee, Franklin, Lincoln, Bedford, Marshall, and Giles shall compose the fourth congressional district of this State.

The counties of Williamson, Davidson, Wilson, Sumner, Robertson, and Cheatham shall compose the fifth congressional district of this State.

The counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart shall compose the sixth congressional district of this State.

The counties of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale, Henderson, and Carroll shall compose the seventh congressional district of this State.

The counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Madison, and Haywood shall compose the eighth congressional district of this State.

SEC. 2. *Be it further enacted*, That sections two, three, and four of an act of the general assembly of this State, passed the 20th day of February, 1852, entitled "An act to apportion the representation in the Congress of the United States," be, and the same is hereby revived, and the same shall govern and control all persons therein named.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 9, 1865.

CHAPTER XXXV.

AN ACT to secure the funds provided for public education.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the present funds in coin belonging to the Bank of Tennessee be invested by the governor, secretary of State, and comptroller, in United States or Tennessee bonds, and be subject to future legislative control.

SEC. 2. *Be it further enacted*, That the governor, secretary of state, and comptroller of the State be authorized to employ such agencies as they may deem necessary for the purpose to investigate into the assets of the Bank of Tennessee, and to ascertain and schedule the amount and value thereof; and that the sum of (\$1,500) fifteen hundred dollars, if so much be necessary, be, and it is hereby appropriated, out of the treasury of the State, to meet the services provided for by this section.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 9, 1865.

CHAPTER XXXVI.

AN ACT to pay the current expenses of this session of the general assembly, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the comptroller of the treasury issue his warrant to each member of the senate and house of representatives for the sum stated to be due to each in the annexed report of the committee on finance.

SEC. 2. *Be it further enacted*, That the comptroller issue his warrant to the officers of the senate and house of representatives, viz: To E. P. Cone, principal clerk, senate, 71 days, \$426; H. G. Flagg, engrossing clerk, senate, 71 days, \$426; G. O. Cate, doorkeeper, senate, 71 days, \$284; H. W. Barr, messenger, senate, \$64; James T. Shelley, principal clerk,

house of representatives, 38 days, \$228; E. A. James, principal clerk, house of representatives, 33 days, \$198; Joseph P. Galbraith, assistant clerk, house of representatives, 71 days, \$426; G. W. Blackburn, engrossing clerk, house of representatives, 71 days, \$426; A. Hill, doorkeeper, house of representatives, 71 days, \$284; J. L. Martin, assistant doorkeeper, house of representatives, 71 days, \$284.

SEC. 3. *Be it further enacted*, That the comptroller of the treasury issue his warrants to the following persons for stationery, &c., &c.: To John Wallace & Co., ninety-one dollars; to Thomas Wells, three hundred and fifty-five dollars and fifty cents; to William T. Berry & Co., four hundred and fifty-one dollars and sixty-five cents.

SEC. 4. *Be it further enacted*, That the comptroller issue his warrant to Samuel R. Rodgers, speaker of the senate, for the benefit of Abraham Smith, a free man of color, for attending to the water-closet during the session, for the sum of two dollars per day.

SEC. 5. *Be it further enacted*, That the comptroller of the treasury issue his warrant to Samuel R. Rodgers, speaker of the senate, for two hundred and eighty-four dollars for the services of David Skaggs, for attending in the senate as porter and messenger, seventy-one days.

SEC. 6. *Be it further enacted*, That the comptroller of the treasury issue his warrant to William Heiskell, speaker of the house of representatives, for the sum of one hundred and forty-two dollars; and two hundred and thirteen dollars for the services of Bryce B. Roulston and Buck Lewis, for attending upon the house of representatives.

SEC. 7. *Be it further enacted*, That the principal clerk of the senate shall remain a sufficient time after the adjournment to file the papers of the senate in the office of the secretary of State, and close his business, for which he shall be allowed his per diem; and that the said clerk be allowed thirty cents per page for copying the unfinished journal, and that the comptroller issue his warrant for the same.

SEC. 8. *Be it further enacted*, That E. A. James, principal clerk of the house of representatives, shall remain a sufficient time after the adjournment to file the papers of the house of representatives in the office of the secretary of State and close his business, for which he shall be allowed his per diem, and that the said clerk be allowed thirty cents per page for copying the unfinished journal, and that the comptroller issue his warrant for the same.

SEC. 9. *Be it further enacted*, That the comptroller issue his warrant and pay the several publishers of the city papers for the papers actually furnished the general assembly and laid upon the tables of each member every day of the session, at the current subscription price of the same: *Provided*, Said payment shall be in accordance with a resolution passed by the present session of the general assembly regulating the number of papers each member shall receive at the expense of the State.

SEC. 10. *Be it further enacted*, That the comptroller of the treasury issue his warrant to cover the cost and expenses of sundry articles furnished for the use of the capitol, ordered by his predecessor.

SEC. 11. *Be it further enacted*, That the secretary of state cause one copy of the acts and journals of the present general assembly to be bound for each member of both the houses and the officers of the same, and distribute with the other acts and journals.

SEC. 12. *Be it further enacted*, That the comptroller issue his warrant to E. P. Cone, principal clerk of the senate, and E. A. James, principal clerk of the house of representatives, for fifty dollars for preparing an index to senate journal, and fifty dollars for preparing an index to house journal of the present session of the legislature.

SEC. 13. *Be it further enacted*, That the governor and comptroller of the treasury examine the accounts of job printing executed for the general assembly, and pay the same according to the rate specified by law, out of any money in the treasury not otherwise appropriated.

SEC. 14. *Be it further enacted*, That the sum of one thousand dollars be allowed the treasurer for the purpose of procuring necessary office furniture for the preservation of the records of his office, and that the comptroller issue his warrant for the same.

SEC. 15. *Be it further enacted*, That the comptroller of the treasury issue his warrant to E. A. James for two hundred and fifty dollars for extra clerk-hire.

SEC. 16. *Be it further enacted*, That the comptroller issue his warrant to the treasurer for the sum of one hundred dollars per annum, as compensation for preserving the furniture of the senate chamber and the house of representatives.

SEC. 17. *Be it further enacted*, That the comptroller of the treasury issue his warrant to William Heiskell, for the use of the family of Samuel M. McCammon, elected as a member of the house of representatives, who came to Nashville to take his seat from Knoxville, but died without doing so, for eighty-three dollars and fifty cents, for his mileage from Knoxville, a distance of five hundred and twenty-two miles.

SEC. 18. *Be it further enacted*, That the comptroller issue his warrant to the Nashville Gas-light Company for any amount due them for gas furnished at the capitol.

SEC. 19. *Be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby appropriated for the purpose of purchasing material for the prisoners in the penitentiary, so as to enable the keeper and inspectors to put them to work, and for the payment of the necessary expenses of said penitentiary, and that they report to the general assembly as to how the money has been expended, and the treasurer pay the amount so appropriated out

of any money in the treasury not otherwise appropriated, and that the inspectors receive five dollars per day for each and every day when engaged in the performance of their duties.

SEC. 20. *Be it further enacted*, That the further sum of twenty thousand dollars be, and the same is hereby, appropriated for the expenses and support of the Tennessee hospital for the insane for the current year, in addition to the sums received from pay patients of that institution.

SEC. 21. *Be it further enacted*, That the comptroller, under the supervision of the governor of the State, take and state an account of the receipts and disbursements of the superintendent of the blind school, and on the exhibition of vouchers of a properly authenticated character, and upon being entirely satisfied that a balance is due said superintendent, the comptroller issue a warrant upon the treasurer for the same, not, however, to exceed the sum of eleven hundred dollars.

SEC. 22. *Be it further enacted*, That the sum of five thousand dollars is hereby appropriated for the repairing and putting into operation the deaf and dumb school at Knoxville, said appropriation to be under the direction of the governor and the loyal trustees of said institution; and the comptroller shall issue his warrant upon the treasurer, from time to time, for such sums as the governor and said trustees may direct.

SEC. 23. *Be it further enacted*, That the comptroller examine the accounts of Sampson & Co., for coal furnished the general assembly, and, under the supervision of the governor, issue his warrants for any amounts due them.

SEC. 24. *Be it further enacted*, That the secretary of state be, and is hereby, authorized to employ a porter to the capitol, at the rate of two dollars per day, to hold his office at the pleasure of the said secretary; that the comptroller issue his warrant to said employé, from time to time, for the amounts due him, upon the certificate of the secretary of state.

SEC. 25. *Be it further enacted*, That the comptroller issue his warrant to A. J. Adams for one hundred and forty dollars, for his services as assistant engrossing clerk, for thirty-five days, at four dollars per day.

SEC. 26. *Be it further enacted*, That the comptroller issue his warrant to George O. Cate, doorkeeper of the senate, for one hundred dollars, for performing the duties of messenger of the senate.

SEC. 27. *Be it further enacted*, That the comptroller of the treasury issue his warrant to Cone & Tunnell, for thirteen hundred and two dollars and forty-six cents, for stationery furnished the two houses of this general assembly.

SEC. 28. *Be it further enacted*, That the secretary of state be, and is hereby, authorized to furnish the adjutant general and quartermaster's offices with necessary stationery to carry on the business of said offices; and the comptroller shall issue his warrant, from time to time, to the treasurer of the State, for the necessary amounts to pay for said stationery.

SEC. 29. *Be it further enacted*, That the comptroller issue his warrant to Stokely, a colored man, for services in waiting on the senate, for the sum of seventy-four dollars.

SEC. 30. *Be it further enacted*, That the comptroller issue his warrant for the sum of six hundred and twenty-three dollars and eight cents, for repairs and other expenses.

SEC. 31. *Be it further enacted*, That the comptroller issue his warrant to A. J. Fletcher, secretary of state, for ninety dollars, for clerk hire.

SEC. 32. *Be it further enacted*, That the board of trustees of the Tennessee hospital for the insane shall audit and examine the accounts outstanding against said institution, counted from the 14th day of March, 1862, up to the time W. P. Jones was made and appointed superintendent; and the accounts, when so ascertained, shall, upon the order of the chairman of the board of trustees, be paid; and the comptroller shall issue his warrant for the same, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 33. *Be it further enacted*, That section twelve of an act passed January 19, 1838, entitled "An act to establish a State bank to raise a fund for internal improvements and to aid in the establishment of a system of common schools," be, and the same is hereby, repealed.

SEC. 34. *Be it further enacted*, That section 2807 of the code is hereby repealed.

SEC. 35. *Be it further enacted*, That Willis Grantham be allowed the sum of one hundred and forty-one dollars and sixty cents, being his mileage and per diem, as contestant for a seat in the house, up to the 12th April, 1865, and that the comptroller issue his warrant, and the treasurer pay the same.

SEC. 36. *Be it further enacted*, That the comptroller be ordered to issue his warrant for the sum of two hundred dollars, for mileage and per diem to the 13th April, 1865, to Samuel Tigh of Shelby county, while contesting his seat in this body.

Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives at the first session of the 34th general assembly, and the aggregate amount of each.

Names of senators and representatives.	No. of days.	Per diem.	Miles travelled.	Mileage.	Total am't.
SENATORS.					
Batler, R. R.....	71	\$284	560	\$89 60	\$373 60
Bosson, William.....	71	284	85	27 20	311 20
Bowen, John W.....	71	284	100	16 00	300 00
Cate, A. M.....	71	284	342	54 72	338 72
Cypert, Thomas J.....	71	284	800	128 00	412 00
Case, Almon.....	71	284	700	112 00	396 00
Frazer, Z. W.....	71	284	50	8 00	292 00
Frierson, J. B.....	71	284	106	16 96	300 96
Hurst, Fielding.....	71	284	1,000	160 00	444 00
Hall, W. K.....	71	284	900	144 00	428 00
Keith, G. W.....	71	284	620	99 20	383 20
Lasater, Robert E.....	71	284	120	19 20	303 20
McKinney, C. J.....	71	284	660	105 60	389 60
McElwee, Thomas B.....	71	284	412	65 92	349 92
Muse, Thomas A.....	71	284	424	67 24	351 24
Nun, David A*.....					
Pearl, B. R.....	71	284	130	20 80	304 80
Randolph, J. H.....	71	284	570	91 20	375 20
Senter, D. W. C.....	71	284	576	95 36	379 36
Spence, William.....	71	284	60	9 60	293 60
Smith, J. W.....	71	284	1,000	160 00	444 00
Trimble, John.....	71	284			284 00
Wisener, W. H.....	71	284	126	20 16	304 16
Rodgers, S. R., speaker.....					
Vincent, Myers.....			620	99 20	99 20
REPRESENTATIVES.					
Anderson, G. W.....	71	284	200	32 00	316 00
Arnell, S. M.....	71	284	100	16 00	300 00
Barton, William.....	71	284	88	14 08	298 08
Bond, William P*.....					
Brittle, Gilbert.....	71	284	90	14 40	298 40
Cowart, R. H.....	71	284	560	87 60	373 60
Cooper, Ed.....	71	284	126	20 16	304 16
Crutchfield, Thomas*.....					
Copeland, W. J.....	71	284	390	52 40	336 40
Carter, S. J.....	71	284			284 00
Dillen, Joseph R.....	33	132	600	96 00	228 00
Duggan, Wilson.....	71	284	600	96 00	380 00
Donaldson, J. H.....	71	284	400	64 00	348 00
Dowdy, Rufus.....	30	120	320	51 20	171 20
Doughty, James A.....	71	284	560	89 60	373 60
Elliott, W. Y.....	71	284	60	9 60	293 60
Fuson, John A.....	71	284	120	19 20	303 20
Faulkner, Asa.....	71	284	150	24 00	308 00
Gaut, Jesse H.....	71	284	360	57 60	341 60
Grove, G. H.....	71	284	596	95 36	379 36
Gillem, A. C.....	15	60			60 00
Garner, W. A.....	71	284	180	28 80	312 80
Gilmer, Jeremiah.....	71	284	120	19 20	303 20
Gaines, G. W.....	71	284	446	71 36	355 36
Garrett, A. E.....	71	284	240	38 40	322 40
Griffith, Samuel E.....	71	284	720	115 20	399 20
Grimmett, W. A.....	71	284	90	14 40	298 40
Hood, James R.....	71	284	302	48 32	332 32

* Did not take his seat.

Report of the Committee on Finance—Continued.

Names of senators and representatives.	No. of days.	Per diem.	Miles travelled.	Mileage.	Total am't.
Henderson, J. M.	71	\$284	\$418	66 88	\$350 88
Hermans, Theodore.....	71	284	108	17 28	301 28
Hudson, Joseph.....	71	284	50	8 00	292 00
Inman, Charles.....	17	68	600	96 00	164 00
Jones, Turney.....	35	140	624	99 84	239 84
Jones, James.....	71	284	672	107 52	391 52
Jarvis, L. M.....	71	284	650	104 00	388 00
Kercheval, T. A.....	71	284	180	28 00	312 80
Maxwell, Thomas.....	71	284	800	128 80	412 00
McNair, J. E.....	71	284	800	128 00	412 00
Minnis, J. B.....	71	284	572	91 52	275 52
Mason, Thomas G.....	71	284	472	75 52	359 52
Mulloy, J. S.....	71	284	90	14 40	298 40
Mullunix, William.....	43	172	744	119 04	191 04
Moss, A. W.....	71	284	36	5 76	289 76
Melton, James M.....	71	284	600	96 00	380 00
Mullins, James.....	71	284	126	20 16	304 16
Norman, John.....	71	284	500	80 00	364 00
Nicks, A. D.....	71	284	-----	11 20	295 20
Puckett, I. N.....	71	284	110	17 60	301 60
Porter, John.....	71	284	800	128 00	412 00
Pearson*.....	-----	-----	-----	-----	-----
Rogers, Reuben.....	71	284	606	96 36	380 36
Raulston, R. S.....	71	284	252	40 32	324 32
Ryder, M. T.....	71	284	1,000	160 00	444 00
Richards, P. S.....	71	284	1,000	160 00	444 00
Shultz, J. R.....	71	284	640	102 40	386 40
Simmons, W.....	71	284	164	26 24	310 24
Smith, W. J.....	71	284	1,100	176 00	460 00
Smith, F. A.....	71	284	550	88 00	372 00
Steele, Abner A.....	71	284	130	20 80	304 80
Snodderly, A. A.....	71	284	580	92 80	376 80
Simmerly, E.....	71	284	760	121 60	405 60
Steagald, John.....	71	284	744	159 04	403 04
Scales, William.....	71	284	300	48 00	332 00
Thornburgh, D. G.....	71	284	572	91 52	375 52
Tighe, Samuel.....	-----	40	1,000	160 00	200 00
Thomas, J. F.....	71	284	140	22 40	306 40
Thomas, Dorsey B.....	71	284	134	21 44	305 44
Underwood, C.....	71	284	500	80 00	364 00
Williams, Pleas.....	71	284	774	123 84	407 84
Willis, W. W.....	71	284	660	105 60	389 60
Wagner, Joseph.....	71	284	822	131 52	415 52
Waters, Wallace.....	71	284	1,196	191 36	475 36
Warren, S. L.....	71	284	240	38 40	322 40
Waters, Wilson L.....	71	284	90	14 40	298 40
Wines, William.....	71	284	130	20 80	304 80
Woodcock, W. M.....	71	284	150	24 00	308 00
Wright, William.....	71	284	52	8 32	292 32
Woods, James.....	-----	-----	-----	-----	-----
Walker, John P.....	71	284	370	59 20	343 20
Woods, W. W.....	-----	-----	-----	-----	-----

* Did not take his seat.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 10, 1865.

CHAPTER XXXVII.

AN ACT to change the eleventh, twelfth, and fourteenth judicial circuits of this State, and for other purposes.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That the counties of Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin shall compose the twelfth judicial circuits; that the counties of Lawrence, Giles, Maury, Lewis, and Marshall shall compose the eleventh judicial circuit; and that the circuit courts in the county of Lawrence shall hereafter be held on the fourth Mondays in February, June, and October, and that the counties of Haywood, and Madison shall be attached to the fifteenth circuit; and the fourteenth judicial circuit is hereby abolished.

SEC. 2. *Be it further enacted*, That hereafter the circuit courts for the twelfth circuit shall be holden as follows: In Henderson county, first Mondays in March, June, and September; McNairy, second Mondays in March, June, and September; Hardin, third Mondays in March, June, and September; Wayne, fourth Mondays in March, June, and September; Hickman, fourth Mondays in April, July, and October; Decatur, first Mondays in May, August, and November.

SEC. 6. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. ROGERS,

Speaker of the Senate.

Passed June 10, 1865.

Private acts.

CHAPTER I.

AN ACT for the benefit of J. G. Frazier, clerk of the supreme court for the middle district of Tennessee.

Be it enacted by the general assembly of the State of Tennessee, That the treasurer of the State of Tennessee pay to J. G. Frazier the sum of two hundred dollars, out of any money in the treasury not otherwise appropriated. This act to take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. ROGERS,

Speaker of the Senate.

Passed May 1, 1865.

CHAPTER II.

AN ACT to incorporate the East Tennessee Iron, Coal, and Petroleum Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John Caldwell, John Baxter, W. R. Patterson, L. S. Trowbridge, and R. H. Armstrong, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the East Tennessee Iron, Coal, and Petroleum Company, and by that name shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of equity or law whatever: to have and use a common seal, and to alter the same at pleasure: to establish and change any by-laws for the government of said company: to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal oil, and personal property, as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine and vend said minerals, coal, iron, oil, and products thereof, and issue such numbers of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company, to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest or interests in all real estate, as may be necessary to purchase or lease for the operation of the works of the company; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed or mines or minerals, lands or lenses, iron, coal or petroleum, or leases, situated in this State, or elsewhere, a separate and distinct interest of each mine, bed, field, vein, or deposit, or lease,

may be created under some name to distinguish the same, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this act.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 12, 1865.

CHAPTER III.

AN ACT to incorporate the Raulston Oil and Salt Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Hugh L. W. Raulston, George F. Smith, D. H. Thronp, J. M. Judson, Samuel Canby, D. T. Cockrill S. H. Judson, Charles B. Ingles, and R. S. Raulston, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Raulston Coal, Iron, Oil and Salt Company," and by that name and style shall have succession, with power to contract and be contracted with, sue and be sued in that name in all courts and places; to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals; and with manufacturing, refining, and selling oil, salt, and other products of said business, and of the lands owned, or which may hereafter be owned by them, in this State; to hold their meetings, and transport and sell their oil, salt, and other products, within or without the State, and to have all other powers needful and proper for the successful prosecution of the business, and for the execution of the power herein granted.

SEC. 2. *Be it further enacted*, That said corporation may organize said company by the appointment of a president, and such other officers and managers as they may deem necessary, at such times and places as they may designate by notice previously given, and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and that said company shall have power to increase the same, from time to time, not exceeding one million dollars.

SEC. 4. *Be it further enacted*, That said company may buy, lease, or rent, any suitable lands, mines, oil, or salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, households, mining, and boring rights, and rights of way, in payment of such part of subscription as they may deem advisable. Said company may erect and build on any of the lands such buildings, engines, machinery, and fixtures, as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this charter shall expire or cease at the expiration of ninety-nine years after its passage, and the right to repeal, alter, or amend this charter, is reserved to the general assembly.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed upon similar corporations in this State.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 25, 1865.

CHAPTER IV.

AN ACT to develop the various oil and mineral interests of the State of Tennessee, and for other purposes.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That D. C. Trewhitt, James R. Hood, Thomas W. Yarley, P. M. Ferrington, John A. Spooner, A. A. Pearson, Edward S. Jones, William E. Merrill, George D. Emerson, and Freemorton Young, who now constitute a voluntary association under the name and style of "The East Tennessee Petroleum Company," and their successors, be, and are hereby, incorporated a body politic, under the name and style of "The East Tennessee Petroleum Company," under and

by which name said body politic shall transact its business, and by which name said corporation shall be known, sue and be sued, plead and be impleaded, and shall have a common seal.

SEC. 2. *Be it further enacted*, That said corporation, as such, is hereby freely authorized and empowered to acquire by lease or purchase any and all such lands and mineral interests for the purpose of raising, producing, and manufacturing petroleum, coal, iron, salt, silver, copper, and any and every other valuable mineral within the State of Tennessee and such other places as said company may deem to their interest: and do and perform any and all such other acts and things as may be necessary and expedient to prosecute successfully the business of said corporation.

SEC. 3. *Be it further enacted*, That said company shall also have power, for the government of said company and its business, to elect one president and such other officers as said company may desire and deem expedient, and prescribe their qualification and term of office.

SEC. 4. *Be it further enacted*, That the principal office of said company shall be at Chattanooga, with power vested in the company to establish such branches at such other places as they may direct, and also to change the principal office of the company at such time and to such other place as the directors or the company may desire.

SEC. 5. *Be it further enacted*, That the capital stock of said company shall be one million dollars, divided into one hundred thousand shares of ten dollars each. This company shall have and is hereby invested with power to make such by-laws, rules, and regulations, consistent with the charter, as they may see proper for the government and control of the company. The company has power to reopen books for subscription and sale of stock, and other purposes, at such times, places, and manner as the directors may direct, and may make such sales and transfers of stock as the directors of the company may direct.

SEC. 6. *Be it further enacted*, That this company shall have power to increase the capital stock of the company to any amount, and at any time the company may desire to do so, to the extent of five million dollars.

SEC. 7. *Be it further enacted*, That this corporation franchise and privilege shall continue, be, and exist for the period of ninety-nine years to the persons above named as incorporated and their successors.

SEC. 8. *Be it further enacted*, That the property and effects and vested rights of the several parties herein incorporated as they exist under said voluntary association are hereby transferred to and secured to this corporation.

SEC. 9. *Be it further enacted*, That the stockholders are, jointly and severally, individually liable, at all times, for all moneys due and owing to their laborers, employés, and apprentices, for services performed for such corporation.

SEC. 10. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations.

SEC. 11. This act to take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 30, 1865.

CHAPTER V.

AN ACT to incorporate the Bridgeman Oil and Salt Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Benjamin F. Bridgeman, David Clege, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of "Bridgeman Coal Oil and Salt Company," and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with; sue and be sued in that name in all courts and places: to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals, and in the manufacturing, refining, preparing for market, transporting and selling oil and salt, and other products of said business, and of the lands now owned or which may hereafter be owned by them in this State; to hold their meetings and transport and sell their oil, salt and other products within or without the State; and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted.

SEC. 2. *Be it further enacted*, That said corporation may organize said company by the appointment of a President and such other officers and managers as they may deem necessary at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules, and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and said company shall have power to increase the same from time to time, not exceeding one million of dollars.

SEC. 4. *Be it further enacted*, That the said company may buy, lease, or rent any suitable lands, mines, oil and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, leaseholds, mining and boring rights, and rights of way, in payment of such part of subscriptions as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this charter shall expire at the expiration of ninety-nine years from its passage, and that the right to repeal, alter, or amend this charter is reserved to the general assembly.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed May 30, 1865.

CHAPTER VI.

AN ACT to charter the Tennessee Express Company.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That A. Blizard, M. L. Phillips, G. W. Ross. and their associates, are hereby incorporated as a body politic and incorporate, under the name and style of the "Tennessee Express Company," for the purpose of carrying and shipping goods, wares, and merchandise, letters and private matter, money, or anything else which may be desired of said company to carry, ship, or transport on any railroad or railroads in the State of Tennessee or elsewhere.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, more or less, as may be necessary to carry out the object of said company, and one hundred dollars shall constitute one share of stock in said company; and so soon as said sum of ten thousand dollars shall have been subscribed, the company may meet at such time and place as they may deem proper, for the purpose of electing a president, secretary, and treasurer, who shall forever thereafter hold their offices for one year and until their successors are elected and qualified; and by that name shall be capable in law and equity of purchasing, holding, selling, leasing, and conveying estate, real, personal, and mixed, so far as the same may be necessary for the purposes of said corporation to carry on and conduct the business of said company to the advantage of the stockholders; and by that name may sue and be sued and plead and be impleaded, and shall exercise all the powers, rights, privileges, and immunities which other corporate bodies may lawfully do for the purposes mentioned in this act.

SEC. 3. *Be it further enacted*, That the officers mentioned in the second section of this act shall be elected by the stockholders of the company, and each stockholder shall be entitled to cast one vote in person or by proxy for each share of stock owned by him; and the president, secretary, and treasurer shall be stockholders of said company; and the company shall have power to make such by-laws and rules as they may deem proper for the government of the company and the business thereof, not inconsistent with the constitution and laws of this State or of the United States, and shall also have power to use a common seal, and to alter or change the same at pleasure.

SEC. 4. *Be it further enacted*, That it shall be the duty of said company to keep all such books as may be necessary for the transaction of its business; and all transfers of stock by any stockholder shall be made upon the books of said company, for the inspection of all the stockholders, and a majority of all the stockholders, including the president, at any meeting, shall be competent to act and transact the business of the company.

SEC. 5. *Be it further enacted*, That said company shall be deemed and held liable for any loss or damage caused by the negligence, carelessness, or wilful misconduct of the same, or any of its officers, agents, or employés, to be recovered by any person aggrieved thereby.

SEC. 6. *Be it further enacted*, That it shall be the duty of said company to carry and convey all goods, wares, and merchandise and packages received by them for shipment, in the turn in which the same was received by them, and in default thereof, and loss or damage is sustained by the owner of the same, said company shall be held liable for such injury: *Provided*, Such delay or irregular shipment was not caused by the request of the owner of said goods or packages or his agent. And said company or agents shall receipt the owner for all goods or packages whatever when received.

SEC. 7. *Be it further enacted*, That nothing in this act shall be so construed as to give banking privileges to said company.

SEC. 8. *Be it further enacted*, That the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 3, 1865.

CHAPTER VII.

AN ACT to incorporate the Memphis Ladies' Institute, of Memphis, Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That J. D. Williams, Mrs. F. P. McGehee, and Mrs. M. P. Southworth be, and they are hereby, constituted a body corporate and politic, under the name and style of "The Memphis Ladies' Institute, of Memphis, Tennessee," and shall have succession for a period of ninety-nine years, unless said corporation is sooner dissolved; and shall have all the powers and be subject to all the obligations and restrictions incident to private corporations, as provided in article 4, chapter 2, and title 9, of the code of laws of the State of Tennessee.

SEC. 2. *Be it further enacted*, That said corporation is hereby authorized to confer such literary honors and degrees as are usually conferred by the colleges and universities of the United States, and in testimony thereof to grant diplomas under the seal of said corporation: *Provided*, This power and authority shall be under legislative control.

SEC. 3. *Be it further enacted*, That in said institution, and in all literary societies connected therewith, the Bible shall be the standard of morals, and no officer or teacher shall use his or her influence for sectarian or party ends or purposes.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 5, 1865.

CHAPTER VIII.

AN ACT to incorporate the Tennessee Colonial Company, for the purpose of promoting emigration, to establish vineyards, develop the mineral and other resources of the State of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That George M. Mowbray, of Titusville, Pennsylvania; George Wade, of the city of New York; Henry Wise, of New Jersey; A. B. Shanklin, and Dr. Hudson of the city of Nashville, Tennessee, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Tennessee Colonial, Agricultural, Mining, and Manufacturing Company;" and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary and proper to carry out the provisions of this act, and promote the objects and designs of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of fifty dollars each, and the persons above named shall open books for the subscription of stock, and when fifty thousand dollars shall have been subscribed the stockholders may meet and elect five directors, and said directors shall elect one of their number president, and also a secretary.

SEC. 3. *Be it further enacted*, That the officers of said company shall be managed by a board of directors, consisting of not less than five stockholders, and such agents and officers as they may appoint. The president and secretary shall be elected annually by the directors, and all vacancies happening in said board, or in any of said offices, may be filled by the acting directors for the remainder of the term for which they are elected or appointed. The board shall establish or change any by-laws for the government of said company, which by-laws shall not be inconsistent with the Constitution of the United States, or the constitution and laws of the State of Tennessee.

SEC. 4. *Be it further enacted*, That the said company shall have full power to purchase, hold, and dispose of real estate, lease lands, and do all that is necessary for the welfare and promotion of the Tennessee Colonial, Agricultural, Mining, and Manufacturing Company, viz: That said company may raise vineyards and do a general mining, boring, and manufacturing business on lands owned and leased by said company, to mine, bore, forge, roll,

smelt, manufacture, transport, and vend in wines, minerals, coal, iron, salt, oil, &c. The land to be held by the company shall form a common stock, and shall be divided into shares of fifty dollars each, and apportioned by the said company among the owners and subscribers of said stock according to their respective interests.

SEC. 5. *Be it further enacted*, That the officers and stockholders of said company and those emigrating on their lands shall enjoy all the rights, privileges, and protection guaranteed by the State of Tennessee under the Constitution of the United States.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 5, 1865.

CHAPTER IX.

AN ACT to incorporate the Cairo and New Orleans Pilots' Benevolent Association.

Whereas a number of steamboat pilots, engaged in the navigation of the Mississippi river, have formed an association for the laudable purpose of increasing the skill and information, improving the character and habits, and promoting the interests of all those pilots intrusted with the control and safety of steamers and other vessels; and

Whereas the immense and increasing commerce and navigation of the said river demands that suitable legislative encouragement should be given by this general assembly to intelligent and judicious efforts to lessen the dangers of the transportation of persons and property upon the said river; and

Whereas the intrusting of the vessels used in said navigation only to the care of sober, attentive, skillful, and experienced pilots, who have had a regular and thorough training in the business, would greatly tend to enhance the security of life and property constantly at risk on the steamboats and other vessels plying upon the western rivers: Therefore, in order to further the objects and encourage the efforts of an institution so useful and praiseworthy as the above-named association, and to give efficiency, perpetuity, and dignity to the same—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Harrison Blasdel, J. W. Pittman, James D. Perry, Green S. Snow, F. B. Montany, James W. Sayers, William Huston, W. C. Page, Garrison Wasson, James C. Rhoads, W. A. Wilds, W. A. Hale, and their associates and successors, are hereby created a body corporate and politic, by the name and style of the "Cairo and New Orleans Pilots' Benevolent Association;" and by that name shall have succession for a period of twenty years, and shall be capable of suing and being sued, both at law and in equity, in all courts and places whatsoever; and that they and their successors may have a common seal, and may alter, change, or destroy the same at will; and shall also be capable of acquiring, holding, conveying, and pledging property, real, personal, and mixed, as may be required for the purpose of the association.

SEC. 2. *Be it further enacted*, That said corporation shall have power to make a constitution and by-laws, and to alter, change, or annul the same at pleasure, in whole or in part; *Provided*, That nothing therein contained shall be repugnant to the constitution and laws of this State or of the United States.

SEC. 3. *Be it further enacted*, That said corporation shall have power to erect a hall and buildings suitable for its uses; to purchase, own, and enjoy a good library, philosophical, chemical, and other apparatus, and such things as may be calculated to advance the objects contemplated by this charter, which shall be exempt from taxation; to procure the delivery of lectures; to found and maintain a school; to grant diplomas, and to withdraw and annul the same; to impose fines upon its members for the breach of any of the provisions of the constitution or by-laws of this association; to levy contributions upon members; to create a fund to be applied to the relief of indigent or distressed members, or their families, and to the other objects named in this section; to censure, suspend, fine, or expel a member, for any good cause, calculated to bring discredit upon said association; and generally to do all such other good things as may be necessary to carry out the objects of this association.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 5, 1865.

CHAPTER X.

AN ACT incorporating the Great Southwestern Oil and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That James W. Milroy, William Glenney, Shela Waters, James G. Pratt, Benjamin Gonzales, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Great Southwestern Oil and Mining Company," and by that name and style shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of law or equity whatever; to have and use a seal, and alter the same at will: to make and change any by-laws necessary for the government of the company; to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, and personal property as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine, and sell said minerals, coal, iron, oil, or other products thereof, in or out of this State, and issue such number of shares of stock of said company at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interests in real estate or machinery for manufacturing as may be necessary to purchase or lease for the successful management of the business of said company; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines, minerals, lands, or leases, situated in this State or elsewhere, a separate and distinct interest of each mine, lead, field, lien, deposit, or lease, may be created under such name as may be adopted, to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL E. RODGERS,

Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XI.

AN ACT to change a railroad fund into a county fund, for Blount county.

Whereas an act was passed by the general assembly of the State of Tennessee, on the 27th of January, 1854, to authorize the county court of Blount county, through their chairman, to subscribe stock to the Knoxville and Charleston Railroad Company, and levy a tax on said county to pay the same on certain conditions; and

Whereas the county court of said county, in good faith, did subscribe said stock, and levy said tax, and proceed to collect the same, to the amount of eight or ten thousand dollars, in the years 1855, 1856, 1857, and 1858, and the same was collected and paid over to the county treasurer, as provided by said act; and

Whereas the railroad company failed to carry out the provisions of said act, as specified therein, the courts of said county did then proceed to loan said fund, which was done, taking notes with approved security; and

Whereas said fund is still lying in said condition, and likely to be lost, or a portion of it: Therefore—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the fund as set forth in the foregoing preamble, collected under the act as set forth, may be changed from the railroad fund into a county fund, for the use and benefit of Blount county, and to be under the control and management of the county court of Blount county as a general county fund.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of Blount county, at the first quarterly term after the passage of this act—and a certified copy of the same being present—to appoint or elect a suitable person to collect said fund, in the name of the chairman of said county court, according to the face of the notes, as executed by the parties borrowing said fund, which notes are now in the hands of the trustee of said county.

SEC. 3. *Be it further enacted*, That it shall be the duty of said county court to require such person so appointed or elected to give bond and approved security for his faithful performance in the collection and paying over said fund into the county treasury, as other county moneys.

SEC. 4. *Be it further enacted*, That the county court of said county allow said collector a reasonable allowance for his services, not to exceed six per cent. on the amount collected.

SEC. 5. *Be it further enacted*, That it shall be the duty of said court to require the trustee of said county to give bond and approved security for the faithful keeping and paying over said fund, according to the order of said court.

SEC. 6. *Be it further enacted*, That nothing in this act shall be construed so as to interfere with the original act passed on the 27th day of January, 1854. This act is only intended to change that part of the fund collected under the said act and paid into the treasury of Blount county in the years of 1855-'6-'7-'8, and no further.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XII.

AN ACT to incorporate the Tennessee Fire and Marine Insurance Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That B. W. Sharp, Rual Hough, James E. Murryman, John W. Leftwick, Calvin Kelsey, L. Helman, and Frank Taff, of the city of Memphis, together with those who may hereafter become stockholders, as hereinafter provided for, are hereby created a corporation and body politic, by the name and style of the president and directors of the "Tennessee Fire and Marine Insurance Company," and shall continue from the first day of May, 1865; and by that name are hereby made capable and able at law to have, purchase, receive, possess, and enjoy, retain, and control, to them and their successors, lands, tenements, rents, goods, chattels, and effects, to an amount not exceeding two hundred thousand dollars, and the same to sell, convey, and dispose of; to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in all courts and places in this State or elsewhere; may make and use a common seal, and the same to break, alter, or renew at will; to ordain, establish, and put into execution such by-laws, ordinances, and regulations as shall be deemed necessary and convenient for the government of said corporation, not contrary to the laws of this State, and generally to do all acts and things that a corporation may lawfully do.

SEC. 2. That the persons named in the first section of this act, or a majority of them, shall open books of subscription for the stock in said company, which stock shall consist of two thousand shares of one hundred dollars each, payable in the lawful currency of the United States, and at the time of subscribing they shall have the right to demand and receive twenty dollars on each share subscribed for, and have secured the residue to the satisfaction of the corporation, payable in six and twelve months, which obligations may be renewed from time to time, either in whole or in part, or for such portion thereof as the president and directors of the company shall determine; and it shall be the duty of the president and directors to give at least thirty days' notice of any call which they may make for the payment of the capital stock so subscribed; and if any stockholder shall fail to meet said call, or to secure the payment of the remainder as aforesaid, it shall be lawful for the president and directors to sell such delinquent's shares, and transfer the same to the purchaser, or declare the same forfeited to the company, together with all previous payments thereon. No transfer of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which he is indebted to the said company is secured to the satisfaction of the president and directors thereof, and the stock of every stockholder shall be held as collateral security for the payment of whatever sum he may be indebted by notes or otherwise to said company.

SEC. 3. That the share or stockholders shall meet at the place of opening the books for the subscription of stock in said company on the first day of August, 1865, and at the office of the company on the first Monday of August in each succeeding year thereafter, and elect a president, vice-president, and seven directors, who shall continue in office until the first Monday in August of each ensuing year, and until their successors shall have been elected, of which said election previous notice shall be given in a newspaper printed in the city of Memphis for at least two weeks previous to said election. Any vacancy that may occur in the board of directors shall be filled by the president and directors until the next annual election. No person shall be a director who is not the owner of at least ten shares of the capital stock.

SEC. 4. That in all elections by the stockholders each share to the number of five shall be entitled to one vote, and every ten shares in addition shall entitle the holder to one additional vote; that no person who is not a resident of the State of Tennessee shall have the right to vote at any election for president and directors unless he shall have been the holder or owner of stock at least six months previous to such election by a regular transfer upon the books of the company; but shares may be voted upon by the executors or administrators of a deceased owner and by proxy.

SEC. 5. That the president and directors for the time being may and shall have power to appoint such officers and agents under them at such places as shall be necessary for executing the business of said company, and to allow such compensation therefor as may be agreed upon, and to require and take bond and security for the faithful performance and

discharge of their respective duties and trust; and the said president and directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter, and amend the same. The president and three directors shall constitute a quorum to do business, or five directors in the absence of the president, one of whom shall be vice-president, may do and perform all such acts as might be done and performed by the president and the quorum aforesaid.

SEC. 6. That the president and directors for the time being shall have power and authority in the name of the company to make insurance at such rate of insurance premium or interest as may be agreed upon by the parties, upon buildings, machinery, manufacturing establishments, goods, wares, and merchandise of every description, of all classes and qualities of property transported by land or water in the United States; also to make insurance on steamboats and other water-craft used for transportation of goods, wares, and merchandise therein contained and to be transported or shipped, and to make all such proper contracts for the insurance of other valuable property as may be embraced within the name of personal property, and all such contracts shall be in writing or printed, and shall be made by the authority of the company, by and through their proper and legally constituted officers and agents appointed for that purpose.

SEC. 7. It shall be the duty of the president and directors on the first Monday of August and March in each year to make a dividend of so much of the profits of said corporation as to them or a majority of them shall appear advisable; and in any case of loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, arising from the profits of said corporation, shall have been added to the capital stock of said corporation.

SEC. 8. Said corporation shall not commence business to the making or issuing of any policies of insurance until two hundred shares are subscribed and paid for, or secured to be paid, as provided for in the second section.

SEC. 9. That whenever said company shall be notified of any loss sustained which may be covered by any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or insured in such policy within sixty days after being so notified: *Provided*, There shall have been no violation of the condition of the policy on the part of the insured.

SEC. 10. Said corporation shall be subject to such tax as may be imposed on similar corporations.

SEC. 11. *Be it enacted*, That John Wilson, Anson Nelson, John Lumsden, and David C. Love, and their associates, shall be and are hereby declared a body politic and corporate by the name and style of the State Insurance Company of Nashville, and by that name shall be intrusted with all the powers, rights, privileges, and emoluments conferred upon the Tennessee Marine and Fire Insurance Company of Memphis.

SEC. 12. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 5, 1865.

CHAPTER XIII.

AN ACT to incorporate a literary society of Nashville, known as the "Agnomen Club."

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That a society of young men of the city of Nashville, organized in March, 1865, and known as the "Agnomen Club," having for its object the general promotion of the arts, literature, science, and the amateur drama, as well as the moral improvement of its members, be incorporated under the name of the "Agnomen Club."

SEC. 2. *Be it further enacted*, That said club shall make such rules and by-laws for the regulation of its business and the conduct of its members as it may see fit, not conflicting with the laws of the State or the city of Nashville.

SEC. 3. *Be it further enacted*, That said club shall be empowered to give such amateur dramatic entertainments, open to the public at such times and places as may be designated by its members, not inconsistent with the laws of the State or city of Nashville.

SEC. 4. *Be it further enacted*, That nothing in this act shall be so construed as to give to the club so incorporated the privilege of public exhibition for money, unless they shall first pay the tax, as now provided by law, for exhibitions of a similar character.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XIV

AN ACT to authorize and instruct the comptroller of the treasury to audit, and the treasurer to pay, the salary due the Hon. Samuel D. Frierson, chancellor.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the comptroller of the treasury shall audit, and the treasurer of the State shall pay, the quarterly salary due on the 4th March, 1862, and on the 4th day of June, 1862, to the Hon. Samuel D. Frierson, chancellor of the fourth chancery division of the State, because of the same never having been paid, and because of his well-established loyalty to the government of the United States and to the State of Tennessee.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XV.

AN ACT to amend an act passed on the 26th of February, 1858, entitled "An act to charter the Cleveland and Ducktown railroad."

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the charter granted to the Cleveland and Ducktown Railroad Company, by an act of the legislature of the State of Tennessee, passed on the 26th day of February, 1858, be so amended that the following named persons be appointed commissioners of said company, instead of those persons therein mentioned, to wit: Thomas H. Calloway, William M. Biggs, Samuel Parks, N. L. Fonte, James Gamble, W. H. Craigmiles, John F. Hayes, Julius E. Raht, Simeon E. Browder, William P. Copeland, Pleasant M. Craigmiles, D. C. McMillen, John B. Cate, Ake, Henry, Y. J. Esterbrook, A. P. McClay, L. McLeod, and G. Greer, and they are hereby constituted and appointed a board of commissioners, seven of whom shall be authorized and competent to act and transact business, and said commissioners and company are clothed with the same rights, powers and privileges, and immunities, which are granted in said charter, of which this is an amendment, and said commissioners shall appoint a time for the stockholders to meet, at such place as they may designate, for the purpose of electing a president and ten directors to manage the affairs of said company.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XVI.

An act to incorporate the Nashville Barbers' Association.

Whereas the barbers of Nashville have formed an association for the aid of its members in case of sickness, and for the improvement of its members in virtue and knowledge: Therefore—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Frank Parrish, Nelson Walker, D. S. Lapsley, E. Woods, and their associates, be, and are hereby, incorporated under the name of "The Nashville Barbers' Association," for the benevolent purposes aforesaid, and have a seal, right to sue and be sued, and such powers as may be necessary and proper to carry into effect the end for which this charter is granted, for the term of ten years, subject to amendment or repeal by any future legislature.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XVII.

AN ACT to incorporate the Tennessee Oil, Mining, and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John D. Thomas, Joseph S. Fowler, Wilson L. Waters, William L. White, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Oil, Mining, and Manufacturing Company," and by that name and style shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of law or equity whatever; to have and use a seal, and alter the same at will; to make and change any by-laws for the government of the company; to purchase, hold, and dispose of such real estate, lease, mines, minerals, iron, coal, oil, and personal property, as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine, and sell said minerals, coal, iron, oil, or other products thereof, in or out of the State, and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest in real estate or machinery for manufacturing purposes as may be necessary; to purchase or lease for the successful operation of business engaged in; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines, minerals, lands, or leases, situated in this State or elsewhere, a separate and distinct interest of each mine, lead, field, lien, deposit, or lease, may be created under such name as may be adopted to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That Alexander J. Mackay, Jonathan D. Hall, and John G. Parkhurst, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Eagle Oil, Mining, and Manufacturing Company," with all the rights and privileges granted by the provisions of this act to the "Tennessee Oil, Mining, and Manufacturing Company."

SEC. 4. *Be it further enacted*, That John P. Cook, Philo Wilson, William B. Wilson, Edwin A. Howard, and Ed. S. Wheat, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Petroleum, Mining, and Manufacturing Company," with all the rights and privileges granted by the provisions of this act to the "Tennessee Oil, Mining, and Manufacturing Company."

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 6, 1865.

CHAPTER XVIII.

AN ACT to incorporate the Memphis City Railroad Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That William R. Moore, J. M. Hill, S. B. Beaumont, R. Hough, William M. Farrington, Frank Taft, G. P. Ware, S. R. Wood, Fielding Hurst, P. E. Bland, Joseph Bruce, Abner Taylor, Thomas R. Smith, H. B. Wells, Joseph W. Eystra, William C. Bryan, W. P. Hepburn, and Frank Brooks, and their associates, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Memphis City Railroad Company," and by that name may have succession for the term of thirty years, may sue and be sued, plead and be impleaded with, may have and use a common seal, may purchase and hold such personal and real estate as in the opinion of the directors may be necessary for carrying on the business of the corporation, and the same to sell and dispose of at pleasure; may make all needful by-laws for their government not inconsistent or in conflict with the laws of the State of Tennessee and the United States.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, with the right and privilege on the part of said company to make it five hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the same may be subscribed to and made subject to such calls and terms of payment as said directors, hereinafter provided for, shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall, within one year after this act, meet and elect five of their number by ballot, to act as directors of said company,

and thereupon said directors shall choose one of their number to act as president, and may elect such other officers as they may think necessary, and fix the salary of the same—said officers to remain in office one year, and until their successors shall be duly elected; and at the end of one year after the election of such directors, and annually thereafter, after thirty days' notice, to be given by the president and secretary, or either of them, in a newspaper published in the city of Memphis, of the time and place of such election, the stockholders shall meet and elect five directors for the ensuing year—each stockholder to have one vote for each share of stock held by him or her. Said directors shall thereupon proceed to organize, as above provided for the organization of said first board of directors, and so on annually, during the existence of this charter. Said stockholders may vote in person or by proxy. Three of said directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That said company, by their said directors and officers, shall have power to make, complete, and execute all contracts and agreements entered into with the city of Memphis, or other parties, for any purpose whatever, connected either directly or indirectly with the construction, maintaining, or operating said railway, and may alter or enlarge the term of the same with said parties, and may construct, maintain, use, and operate street railways by animal power, on all or any of the streets in the city of Memphis, in the State of Tennessee, for that purpose using all necessary machinery and equipments; said company to use neatly constructed, commodious, and safe cars, to be well adapted to such use and purpose; may enter into all necessary contracts for the building and operating of said railway, and declare dividends on the capital stock of the same.

SEC. 5. *Be it further enacted*, That this act shall be so construed as to authorize said company to construct, maintain, and operate said railway in the streets of the towns or villages of Chelsea and Fort Pickering, in all respects the same as in the city of Memphis: *Provided*, That this act shall be so construed as not to grant either the indorsement of the State or the loan of any bonds.

SEC. 6. *Be it further enacted*, That each stockholder shall be individually liable to the creditors of said company to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of said company, until the whole amount of the capital stock so held by him shall have been paid to the company, and all the stockholders of said company shall be jointly liable for all the debts due or owing to any of its laborers and servants, for services performed for said corporation, but shall not be liable to an action therefor before any execution shall be returned unsatisfied, in whole or in part, against the said corporation, and then the amount due on such execution shall be the amount recoverable, with cost, against such stockholders.

SEC. 7. *Be it further enacted*, That said railroad shall be constructed on the most approved plan for the construction of city railroads, and shall be run as often as the convenience of passengers may require, and shall be subject to such reasonable rules and regulations, in respect thereto, as the common council of the city of Memphis may, from time to time, by ordinance prescribe, and to the payment to the city of such license annually, for each car run thereon, as they may, by ordinance, prescribe; and the persons and their assigns are hereby authorized to charge at the rate of five cents for the conveyance of passengers for the whole or any part of the route from the depot to the terminus of said railroad.

SEC. 8. *Be it further enacted*, That whenever the said tracks shall be placed on the roads, the same shall be laid with such rails and in such manner as shall not obstruct carriage travel, and said company shall cause said tracks to conform to the grade of the roads as they now are, or as it may be by them, and at their expense, changed or altered, and said company shall keep the surface of such roads inside the rails, and for two feet outside on each side thereof, in good order and repair.

SEC. 9. *Be it further enacted*, That the act entitled "An act to incorporate the People's Passenger Railroad Company of the city of Memphis," passed February, 1860, be, and the same is hereby, repealed, together with all acts and parts of acts inconsistent with this act.

SEC. 10. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 7, 1865.

CHAPTER XIX.

AN ACT to incorporate the Tennessee and Kentucky Petroleum, Mining, and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That C. H. Smith, Dr. Joshua Coff, George L. Lewis, George Hillman, W. J. McCor, W. J. Costner, and their associates, be, and are hereby, created a body politic and corporate, by the name of the "Tennessee and Kentucky Petroleum, Mining, and Manufacturing Company," and shall have succession for ninety-nine years. At any time after organization within twelve

months, the directors of said company may, if desired, change the name of said company to any other name; and by having a declaration of the same, signed and acknowledged by their president, and recorded, as a deed for land, in the county where the business meeting is held, said new name shall become the corporate name of said body.

SEC. 2. *Be it further enacted*, That said company, in their corporate name, may sue and be sued, plead and be impleaded, in any court of law or equity; may adopt and use a common seal, changeable at their pleasure; may contract and be contracted with, and have and enjoy all the privileges and rights incident to corporations.

SEC. 3. *Be it further enacted*, That said company may acquire and hold, by purchase or lease, any real or personal property necessary or proper to carry on their business; may sell, convey, exchange, rent, or lease the same, or any part thereof, at any time or times during the continuance of this charter; and shall have and enjoy all the rights, privileges, and immunities granted by this legislature to any petroleum, or mining, or manufacturing company.

SEC. 4. *Be it further enacted*, That said corporation shall have power to explore any of the land acquired or held by them by digging, tunnelling, boring, mining, or otherwise, for petroleum, salt, coal, iron, lead, copper, or other material or product, and to prepare, by manufacturing or otherwise, any material or product so found for market; to use or vend the same, either crude or manufactured; to erect such houses and machinery as they may deem requisite to carry on any part of said business. Said company may make, or have executed to them, mortgages or deeds of trust on real or personal property, when necessary in their business, or in order to secure debts due or to become due by or to said corporation.

SEC. 5. *Be it further enacted*, That this company may ordain and establish, from time to time, alter or amend, such by-laws, rules, and regulations for the government of their affairs as they may deem proper, and which shall not contravene this charter and the laws of the land.

SEC. 6. *Be it further enacted*, That the capital stock of this corporation shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, consisting of shares estimated at twenty dollars each.

SEC. 7. *Be it further enacted*, That any five of said corporators may open books for subscriptions of stock in said company at such times and places as they may choose. When the sum of ten thousand dollars has been subscribed, then said company may organize and elect officers.

SEC. 8. *Be it further enacted*, That the officers of said association shall consist of a president, a secretary, and seven directors, who shall serve for one year, and until their successors are qualified and inducted into office. The elections shall be at such time and place, and on such notice, as the by-laws may prescribe.

SEC. 9. *Be it further enacted*, That the officers shall be elected annually as aforesaid, by a majority of the votes cast at such election; and in elections, each share shall entitle the owner thereof to one vote.

SEC. 10. *Be it further enacted*, That, for cause deemed by them sufficient, the directors may dismiss any officer or agent, and appoint a successor to act until the next regular election, or for a shorter term, as they may determine.

SEC. 11. *Be it further enacted*, That each subscriber for stock in said corporation shall be individually liable *only* for the amount subscribed for by such person, and *only* until the same is paid in.

SEC. 12. *Be it further enacted*, That nothing in this act shall be so construed as to give banking privileges to said company; and that the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature.

SEC. 13. *Be it further enacted*, That Sol. Hesse, N. Hoffmeier, Adolph Loeb, H. T. Tomlinson, J. Nathan, J. S. Menkin, Henry Sussel, and their associates, are hereby incorporated a body politic and corporate, under the name and style of the "Memphis Club," in the city of Memphis, county of Shelby, and State of Tennessee, with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, purchase and hold real and personal property, stock, and incorporate hereditaments, and may dispose of the same in such manner as said association may deem most expedient.

SEC. 14. *Be it further enacted*, That the said "Memphis Club" may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order and government of said society, not inconsistent with the Constitution of the United States or the State of Tennessee, and do and perform all other acts for their benefit not inconsistent with the privileges herein granted.

SEC. 15. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 7, 1865.

CHAPTER XX.

AN ACT to amend an act authorizing John C. Haley to establish a turnpike road, passed October 28, 1833.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That F. A. Henager, Jas. R. Rigsby, George W. Rider, and Abel A. Pearson be, and they are hereby, authorized to open, establish, and keep in repair a turnpike road across what is known as the Qualls Trace of Wulden's Ridge, beginning at or near where J. L. Hutchison formerly lived, in Rhea county, and from thence to Benjamin F. Bridgeman's mill, at the foot of the mountain, in Bledsoe county; and that the said proprietors have the charter for said road for the same length of time, and upon the same terms and conditions in all respects that a charter for a turnpike road was given to John C. Haley, by an act passed October 28, 1833, and that John Lee, of Bledsoe county, and John P. Walker, of Rhea county, be appointed commissioners on said road, who shall take the same oath, and perform the same duties, and be entitled to the same privileges and emoluments that are enjoined upon and extended to the commissioners of said John C. Haley's turnpike road by the act aforesaid; the charter hereby granted to be void unless the road be opened and completed within four years from the passage of this act.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 7, 1865.

CHAPTER XXI.

AN ACT to incorporate the Memphis and Mound City Arkansas Steam Packet Company, of Memphis.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That G. P. Ware, C. C. Burk, Wm. M. Farrington, Wm. R. Moore, John D. Ware, and their associates, shall be, and they are hereby, constituted a body politic and corporate under the name and style of the People's Passenger and Freight Steam Packet Company of Memphis and Mound City; and by that name may have succession for the term of thirty years; may sue and be sued, plead and be empleaded; may have and use a common seal; may purchase and hold such personal and real estate as may be necessary for carrying on the business of the corporation; and the same to sell or dispose of at pleasure; may make all needful by-laws for their government not inconsistent or in conflict with the laws of the United States, the State of Tennessee, or the city of Memphis and county of Shelby.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the same may be subscribed to and made subject to such calls and terms of payment as the directors hereinafter provided for shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall open books for the subscription of stock, and when one hundred shares are subscribed, and ten dollars on each share paid in, the stockholders may then meet and elect five of their number directors of said company, and thereupon said directors shall choose one of their number to act as president, and may elect such other officers as they may think necessary, and fix the salaries of the same, said officers to remain in office one year, or until their successors are duly elected and installed into office, at which time, after three weeks' notice in one newspaper published in the county of Shelby, State aforesaid, the stockholders of said company shall meet and elect the directors aforesaid, each stockholder having one vote for each share of stock held by him or her. Said directors shall thereupon elect their said president and other officers, and said election shall take place annually. Said stockholders may vote in person or by proxy. Three of said directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That said company, by their directors and officers, shall have power to complete and execute all contracts or agreements entered into with the city of Memphis, or other parties, for the use of a landing or wharf of said city, and may alter or enlarge the terms of same. Said parties may enter into all necessary contracts for the building and operating said steam packet company, and declare dividends on the capital stock of the same, provided that the capital stock is not diminished thereby.

SEC. 5. *Be it further enacted*, That said company, in establishing a tariff of freight and passage to and from Memphis and Mound City, will submit the same to the county court of Shelby county, state aforesaid, for the approval of the same before any of its provisions can be enforced: *Provided*, this act shall not be so construed as to grant either the indorsement of the State or the loan of any bonds.

SEC. 6. *Be it further enacted*, That the stockholders of said company shall be individually liable for the amount of their stock subscribed until the same is paid.

SEC. 7. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations of this State.

SEC. 8. *Be it further enacted*, That nothing herein contained shall be so construed as to authorize the corporation of the city of Memphis or the county court of Shelby county to grant any privilege or make any contract with said company that will in any way interfere with the vested rights of any party or parties whatever as now fixed by law.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXII.

AN ACT to incorporate Tennessee Mountain Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Dr. T. A. Atchison, Capt. W. H. H. Ayres, Capt. L. H. Thrikston, S. H. Far, J. W. Plummer, capt. and provost marshal district Middle Tennessee, H. W. Hart, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic by the name and style of "Tennessee Mountain Petroleum and Mining Company;" and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with, sue and be sued, in that name in all courts and places; to have a common seal; to engage in mining, manufacturing and boring for petroleum, salt, and other valuable minerals, and in the manufacturing, refining, and preparing for market, transporting and selling the same, and other products of said business, and of the land now owned or which may hereafter be owned by them in the State; to hold their meetings, and transport and sell their oil or other minerals or other products, within or without the state, and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted.

SEC. 2. That said corporation may organize said company by the appointment of a president and such other officers and managers as they may deem necessary at such times and places as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

SEC. 3. The capital stock of said company shall be five hundred thousand dollars, and said company shall have power to increase the same from time to time, not exceeding one million dollars.

SEC. 4. The company may buy, lease, or rent any suitable lands, mines, oil and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, leasehold, mining and boring rights and rights of way, in payment of such part of subscription as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations in this State.

SEC. 6. *Be it further enacted*, That a violation of this charter shall authorize the legislature to alter or repeal the same, and that nothing therein contained shall be so construed as to allow any banking privileges to said company.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXIII.

AN ACT to incorporate the East Tennessee Union Petroleum, Coal, Iron, and Salt Company

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That O. P. Temple, Green Adams, R. R. Butler, John B. Brownlow, David K. Young, L. C. Houk, and their associates, successors, and assigns, be, and are hereby, constituted a body corporate, by the name and style of the "East Tennessee Union Petroleum, Coal, Iron, and Salt

Company," and by that name shall have succession for ninety-nine years; and shall be competent to sue and be sued in any court of law or equity; to have and use a common seal, and to alter the same at pleasure; to establish, ordain, and change any by-laws, not inconsistent with the constitution and laws of Tennessee, that may be necessary for the government of the company; to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, salt, and personal property, as they may desire, or that may be necessary for the legitimate transaction of their business; to mine, bore, forge, sell, smelt, transport, work, manufacture, refine and vend the same; to issue such number of shares of the stock of said company, at the representative par value thereof, as may be indorsed by a vote of said company; to determine the par value of shares, and have the right to pay in of stock or the corporation for such running interest or interests, in real estate, as may be necessary; to purchase or lease for the operation of the works of the company; to lay and conduct pipes and construct railroads from their wells to navigable rivers, or railroads now constructed or to be constructed, and to make connexions and turnouts for their purposes, &c.; that the capital stock of said company be one million dollars, to be divided in such shares as the company may determine, which may be increased or diminished, as the company may determine; that the president and directors shall regulate the proportion of stock which may be issued to each member on application; the company to have, enjoy, and exercise all the rights and privileges belonging and incident to corporations, except the right to issue notes, or engage in the business of banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines or minerals, lands or leases, iron, coal, or petroleum leases, situated in this State or elsewhere, a separate and distinct interest of each mine, bed, field vein, deposit or lease may be created under some name to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That Horace Maynard, Wm. F. Ray, Thomas J. Vanguilder, James B. Howard, Francis S. Price, James N. Clark, Isaac C. Price, John C. Flanders, Wm. McKey, Joseph L. Cooper, Charles W. Cohen, and S. R. Rodgers be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Knoxville Oil Mining Company," and in that name they may sue and be sued, &c.

SEC. 4. *Be it further enacted*, That said company or body corporate shall have all the rights, powers, and privileges granted to the "Cumberland Basin Petroleum and Mining Company," and subject to like limitations and restrictions.

SEC. 5. *Be it further enacted*, That James H. Vaughn, J. M. Robb, John H. Ligon, H. F. Banks, and H. S. Craine, their associates and successors, are hereby constituted a body politic and corporate, for a period of ninety-nine years, by the name of the "Tennessee Oil and Mineral Company," for the purpose of exploring for oil, copper, gold, lead, silver, iron, zinc, coal, and other ores, metals and minerals, and for the purpose of developing, mining, working, refining, smelting, purchasing, and vending the same, with the capital, and clothed with all the powers, rights, and privileges granted in the foregoing charter incorporating the "East Tennessee Union Petroleum, Coal, Iron, and Salt Company." Said corporators and their associates shall organize by the election of six directors of their number, who shall elect a president, vice-president, secretary, and treasurer, who shall perform such duties and exercise such powers as may be prescribed by the by-laws.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXIV.

AN ACT to incorporate the Manchester and Barren Fork Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That W. T. Garrett, J. C. McCrory, and D. P. Rathbone, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Manchester and Barren Fork Mining and Manufacturing Company," and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded with, and generally to do every act and thing necessary and proper to carry out the provisions of this act, and to promote the object and designs of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons above named shall open books for the subscription of stock, and when fifty thousand dollars shall have been subscribed the stockholders may meet and elect five directors, and said directors shall elect one of their number president, and also elect a secretary.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors, consisting of not less than five, and such agents and officers as they may appoint. The secretary and president shall be elected every year by the directors, and all vacancies happening in said board, or in any of said offices, may be filled by the acting directors for the remainder of the term for which they were elected or appointed. The board shall have power to establish by-laws for the government of said company, and to alter the same whenever it may be deemed proper for them to do so. The directors shall have power to require security for the payment of all stock subscribed and not paid in.

SEC. 4. *Be it further enacted*, That the said company shall have full power and authority to purchase and lease lands or real estate, and to dispose of the same, and to do a general mining and manufacturing business on lands owned and leased by said company; to mine, forge, roll, smelt, manufacture, transport, and to vend minerals, iron, coal, petroleum oil, salt, and to hold property of every species necessary for the carrying on of the business of said company, and said company shall have power to make contracts under the corporate seal, signed by the president and attested and signed by the secretary or other officer who may be appointed by the directors for that purpose.

SEC. 5. *Be it further enacted*, That, should the said company at any time fail to meet its engagements, each person holding stock at the time of such failure shall be individually liable for the debts of the company to the amount of the balance of the unpaid stock of such stockholder.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations of this State.

SEC. 7. *Be it further enacted by the general assembly of the State of Tennessee*, That E. C. Schultze, L. C. Platt, C. M. Northrup, Charles Kochler, Joseph W. Currier, Lewis Benton, and John A. Smith, shall be, and are hereby, constituted a body politic and corporate, for the purpose of purchasing, selling, mining, improving, and settling with loyal owners, land in the State of Tennessee, known by the name and style of "The New York and Tennessee Mining and Farmland Company," and by that name may have succession for ninety-nine years; may sue and be sued; may contract and be contracted with; may have a common seal and power to change the same at will; may purchase and hold such personal and real estate as they shall deem necessary for carrying out the objects of the corporation, and may sell or dispose of the same at pleasure, and receive pay, security, or mortgages therefor; may mine, work, or otherwise develop the mineral resources, and may construct such machinery and improvements on the land of the corporation as they shall think proper, and have power to sell, lease, or otherwise dispose of the same; and may make all necessary by-laws for their government not inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 8. The capital stock of said company shall consist of five thousand shares of the par value of one hundred dollars each, with the privilege of increasing, if necessary, to forty thousand shares, and the trustees shall designate and determine what portion of said stock shall be paid in land and its value, and what portion in cash, which stock shall be deemed personal estate, and transferable in such manner as the by-laws of the company shall direct.

SEC. 9. That the affairs of said company shall be managed by a board of trustees chosen by the stockholders, who shall hold their office for one year, and until their successors are elected. Every member of said board of trustees shall be a stockholder. In every election, and at every meeting of stockholders, each share of stock on which no call or assessment is due, past, and unpaid, shall entitle the holder thereof to one vote, either in person or by proxy. The board of trustees may choose a president, vice-president, secretary and treasurer, and such other officers and agents as may be necessary, and fix their salaries. A failure to hold any election on the day designated shall not work a dissolution of the corporation, but such election may be held at a subsequent time, to be designated by the board of trustees.

SEC. 10. If any subscriber for stock shall fail to pay the amount subscribed in such manner as may be prescribed by the by-laws, the same may be recovered by action of debt in any court having jurisdiction, or such stock may be sold, and declared forfeited by the company, on such terms as the board of trustees shall determine and prescribe.

SEC. 11. That the aforesaid persons, or any number of them, or any other person duly authorized by the board of trustees, may, at any time or place, open books for the subscription of stock.

SEC. 12. *Be it further enacted*, That James Mullens, William H. Wisner, Philemon Gosling, and John C. Coldwell, jr., be, and are hereby, created a body politic and corporate, with succession for ninety-nine years, to be known and designated as "The Cascade Mining and Manufacturing Petroleum Company," with all the powers and privileges of this act, as conferred upon the previous corporations in this act.

SEC. 13. *And be it further enacted*, That this act shall take effect and be in full force from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXV.

AN ACT to amend An act entitled An act to incorporate the East Tennessee and Virginia Railroad Company, passed the 27th day of January, 1848.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 7th section of said act be so amended that the affairs of said company shall be managed by a board of directors, to consist of nine instead of fifteen, as now required by law.

SEC. 2. *Be it further enacted*, That the seventeenth section be so amended that a stockholder, in his own right, of ten shares, shall be eligible to the office of president or director of said company, with all the rights and privileges that they are now allowed by law: *Provided*, he be a loyal citizen of the United States government.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXVI.

AN ACT to incorporate the Tennessee Mining and Manufacturing Company.

Whereas it has been represented to this general assembly that the property known as the Washington County Iron Works, in Washington county, of this State, upon which there now are a furnace, forges, rolling mill, and other improvements, is capable, by the application of the requisite capital, of much further development:

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Charles J. McKinney, of Hawkins county; Calvin Hoss, of Washington county; and such other persons as they may associate with them, as owners of the shares hereinafter authorized to be issued, be, and the same are hereby, made a body politic and corporate, under the name and style of the Tennessee Mining and Manufacturing Company, and as such, in that name, may have continued succession, and may purchase, have, hold, use, and acquire, by any lawful means, any estate, real and personal, in as full and ample manner as any individual may or might do; and the same may use, lease, let, mortgage, sell, and convey, or otherwise dispose of; and may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and the same may change at pleasure; and make by-laws, not inconsistent with the constitution and laws of Tennessee, and regulations for the management of their affairs; and may have and use all the rights, powers, and privileges which are or may be necessary for them to have as an incorporated company.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall consist of shares of ten dollars each, of which the said property, known as Washington County Iron Works, shall constitute a part, at a price to be agreed upon by and between the parties interested, and when two hundred thousand dollars shall have been subscribed, the shareholders may proceed to organize the company by the election of five or more directors; and the directors for the time being may have, exercise, and enjoy, in the name and behalf of the company, all the rights, powers, and privileges which are given or intended to be given herein, and may, from time to time, increase their resources by borrowing money on a pledge of their property, or without such pledge, or by new subscriptions; and the subscribers shall be bound, each for himself or herself, to pay the sums by them respectively subscribed; and when the sums due, or to become due, thereon shall have been paid, such shareholder shall not be liable for any further payment on account thereof.

SEC. 3. *Be it further enacted*, That the by-laws may prescribe the number of and the manner in which the officers and agents of the company shall be appointed, their terms of service, powers, and duties, and may require that they shall take an oath faithfully to discharge their respective duties. And inasmuch as the Nolachucky river is not navigable above the site of the said iron works, and the water power, for manufacturing purposes, may be greatly increased by erecting one or more dams across the said river above the site aforesaid, the company may, and they are hereby authorized to, erect one or more dams across the said river, if the same, in their opinion, be necessary and proper to aid in the establishment of manufactures of iron, or other articles or commodities; subject, nevertheless, to the payment of any damages which may be assessed by a jury empanelled by a court having competent jurisdiction; and *provided* that the erection of said dam or dams shall not interfere with the navigation of said river.

SEC. 4. *Be it further enacted*, That this act shall be in force for thirty years from and after its passage, and until the same be modified and repealed; and all acts and parts of acts conflicting with this act shall be and are hereby repealed: *Provided*, That nothing in this act shall be so construed as to give, grant, or allow to said company banking privileges.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXVII.

AN ACT incorporating the Tennessee and Cumberland Oil and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That A. G. Wells, C. L. Hequenbough, Wm. C. Bunts, Wm. B. Campbell, Wm. H. Gordon, Delaineo F. Smith, Edward Donohoe, George Richardson, F. H. Cotton, their associates, successors, and assigns, be and are hereby created, constituted and declared a body politic and corporate, under the name and style of the "Tennessee and Cumberland Oil and Mining Company," with full privileges and powers to and for the purpose of prospecting, boring, exploring for, raising, mining, digging, transporting and selling oil, petroleum, kerosene, asphaltum, naphtha, salt, coal, iron, and all other minerals in this State or elsewhere, on any lands they may acquire by purchase, lease or gift; and to manufacture dyes and colors, refine and convert it to such other uses by distillation, refining and manufacturing, as science, chemistry and philosophy has or may hereafter make known and discover; also the privilege and power to manufacture iron from the ore into pig metal, and rolled iron in all its qualities and forms; to erect all necessary machinery, buildings, furnaces, warehouses, docks and levees as shall or may be conducive to the successful operation of their said business in all of its various departments and ramifications; also to lay and conduct pipes, and construct railroads, turnpikes and canals from their lands and works to any navigable river or railroad now constructed or hereafter constructed, and to make the necessary switches and connexions for the purpose of transporting said articles, mined and manufactured, and importing such articles and materials as said company may require for the conducting of their said business: *Provided, however*, That in constructing said roads, canals, &c., they do not interfere with any vested rights; and by said name and style are hereby made a body capable in law, as individual citizens, to contract and be contracted with, sue and be sued, plead and be pleaded, answer and be answered unto, and prosecute to final judgment, in the State and elsewhere, in all courts of law and equity; to make, have and use a common seal, and change the same at will; with full power and authority to purchase, lease, and receive in donation, and enjoy and possess estate, real, personal and mixed, and to lease, rent, sell, alienate, convey, and otherwise dispose of the same; with all rights, powers and privileges necessary and proper for them as an incorporate company; and by such name and style shall have succession for the full term of ninety-nine years: *Provided*, That nothing in this act shall interfere with the vested rights of any other company under the laws of the State of Tennessee.

SEC. 2. *Be it further enacted*, That the incorporators, in person or by proxy, shall, as soon after the passage of this act as convenient, meet and organize by the election of a board of directors of not less than seven nor more than ten in number, who shall have the management and control of the affairs of the company, a majority of whom shall constitute a quorum for the transaction of business, and each being a stockholder to the amount of twenty-five shares at least, who, as well as their successors, shall hold their office for the term of one year, and until their successors are elected. Said directors shall annually thereafter, by public notice for thirty days, in one or more newspapers published in the city of Nashville, next preceding the first Monday of June, to the stockholders to meet at the office of the company, in Nashville, in person or by proxy, to elect directors for the next ensuing year, at which elections three of the stockholders, appointed by those present, shall be the judges. If the directors shall fail or neglect to give notice as aforesaid, any two of the stockholders may give said notice, and elect directors in like manner as if the directors had given notice as prescribed by this act. The persons receiving a majority of the votes cast at said elections shall be declared duly elected; and in case of a tie vote a majority of the directors elect shall determine and give one vote, which shall be the casting vote. Each stockholder shall have one vote for each and every share he or she may own; and any shareholder, not present at any such election, may vote by proxy, said proxy being a shareholder and attending such election, and presenting from his principal authority in writing, signed and sealed by said principal and attested by two witnesses.

SEC. 3. *Be it further enacted*, That if it should happen that an election of directors should not be made on the day designated in the notice, the said corporation shall not for that cause be deemed dissolved; but it shall and may be lawful to make and hold an election for directors on some other designated day, of which notice may be given.

SEC. 4. *Be it further enacted*, That the said directors shall elect annually from their number a president, vice-president, secretary, and treasurer, and other such officers, agents, clerks, and employes, from among the stockholders or from other sources, as the interest of the company may require; and may take of each of them such bond or bonds, with security, conditioned for the faithful performance of the duties assigned them: allow such compensation as they may think proper, and may remove and dismiss them, or any of them, at pleasure; and shall fill all vacancies in their number caused by death, resignation, or otherwise, by such persons from among the stockholders as they may elect. And the said directors, or a majority of them, may, from time to time, make, ordain, and establish such by-laws and regulations for the government of said corporation in its proceedings, and for the management of its stock and property, as may by them be deemed necessary and convenient:

Provided, however, the same be not repugnant to and inconsistent with the constitution and laws of this State and of the United States.

SEC. 5. *Be it further enacted,* That the meetings of the board of directors shall be at such times and places as they may themselves determine; and special meetings thereof may be called by the president or a majority of the directors, and at all meetings thereof a majority shall constitute a quorum for the transaction of business.

SEC. 6. *Be it further enacted,* That said directors shall keep, or cause to be kept, proper books of stock and accounts of the business and affairs of said company, which shall be subject at all times to the inspection of the stockholders, and they shall annually, at the expiration of their term of office, make a full and correct report to the stockholders of the transactions of the year, showing the amounts of property and means received, and whence received, the amount disbursed, and for what purpose disbursed, the amount on hand, together with such other information as may be required by the stockholders or deemed important to the interests of the company.

SEC. 7. *Be it further enacted,* That the capital stock of the company shall be two million dollars, divided into one hundred thousand shares of twenty dollars each, which capital stock may be increased or diminished as the directors may determine; and the president and directors shall regulate the proportion of stock which may be issued to each member on application.

SEC. 8. *Be it further enacted,* That the stock and property of said company and corporation, of whatever nature, shall be assignable and transferable on the books of said corporation in such manner as the regulations and by-laws thereof may prescribe.

SEC. 9. *Be it further enacted,* That the dividends of the profits of said corporation shall be made at such times among the stockholders as the dividends may determine.

SEC. 10. *Be it further enacted,* That the board of directors shall have no power to bind the corporation by any contract or agreement to a greater amount than the capital stock subscribed; and in case of their attempting to do so, the directors so participating in such an attempt shall be responsible in their private property to the parties injured.

SEC. 11. *Be it further enacted,* That said corporation may receive real estate, leasehold, mining and boring interests and rights, and right of way, in payment of such part of subscription to stock as may be by the directors deemed advisable.

SEC. 12. *Be it further enacted,* That said corporation shall not be dissolved, unless by a vote of two-thirds of the whole capital stock.

SEC. 13. *Be it further enacted,* That the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature; and nothing shall be so construed as to grant said company banking privileges.

SEC. 14. *Be it further enacted,* That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXVIII.

AN ACT to charter the East Tennessee Female College.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee,* That a female institution be, and the same is hereby, chartered and incorporated, by the name of "The East Tennessee Female College," to be located at Cleveland, Tennessee.

SEC. 2. *Be it further enacted,* That the following persons be appointed trustees of said institution: G. B. Thompson, M. D., Rev. Wm. C. Daily, Robert N. Fleming, M. D., Rev. Hiram Douglass, William Hunt, M. D., Rev. Robert Sneed, J. H. Brown, M. D., J. H. Gaut, esq., P. M. Craigmills, M. D., L. P. Gaut, esq., J. H. Craigmills, D. P. O'Neil, Thomas H. Colloway, H. B. Davis, William Cate, James M. Henderson, Thomas L. Cate, Joseph H. Davis, Jonathan C. Tipton, and Isaac Lowe, and they and their successors, as hereafter provided, shall constitute a corporation for ninety-nine years.

SEC. 3. *Be it further enacted,* That said corporation shall be able and liable, in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended in all courts and places, as any other legally and regularly constituted corporation; may have a common seal, may alter or change the same at pleasure, and also shall be able to take by purchase, grant or devise, or in any other names, and to hold any real, personal, or mixed estate whatever: *Provided always,* The clear yearly value of the real estate shall not exceed the sum of fifty thousand dollars: *And provided also,* That the principal and interest of the whole fund be used and applied for the use and promotion of education at said college, and to no other purpose.

SEC. 4. *Be it further enacted*, That said trustees and their successors in office shall have full power and authority to collect and receive all funds that have in any way been contributed or pledged for the establishment enlargement, maintenance, or benefit of said institution, or for any of its purposes, and apply the same; and give, grant, bargain, sell, or dispose of all, or any, of said real, personal, or mixed estate, as to them may seem best for the interest of said institution.

SEC. 5. *Be it further enacted*, That the number of trustees shall at no time exceed twenty; seven of whom shall constitute a quorum, with power to transact all the business of the institution, except to sell real estate, in which case a majority of the board must act.

SEC. 6. *Be it further enacted*, That the trustees and their successors in office shall have full power and authority to direct, manage, and control the funds of the institution, for the benefit of the same, to prescribe the course of study and the discipline to be observed in the institution.

SEC. 7. *Be it further enacted*, That the trustees and their successors in office shall have power to select and elect, whenever a majority of them may think proper, a president of the institution, and such professor or professors, tutor or tutors, as they may consider necessary for the institution, and these, when elected, shall constitute a faculty for the education and government of the students, under the restrictions hereinbefore and hereafter enacted.

SEC. 8. *Be it further enacted*, That the faculty elected, as provided in the seventh section of this act, shall hold office during the pleasure of the trustees: *Provided*, That no member of the faculty shall be dismissed by the trustees without just cause, previously stated to him in writing, and a full opportunity for defence allowed him before at least ten (10) of the trustees: *Provided*, That if complaint shall be made to said trustees, or any of them, or they or any of them have knowledge of misconduct on the part of any member of the faculty, it shall be the duty of the trustees to immediately call a meeting of their body to investigate the charges, and if they think proper, by a majority vote of the members present, if five or more, suspend said officer until he be notified and tried, as herein provided.

SEC. 9. *Be it further enacted*, That no member of the faculty shall be eligible to the office of trustee except the president, who shall, by virtue of his office, be a member of the board trustees.

SEC. 10. *Be it further enacted*, That said trustees shall, under the regulations provided in this act, have power, upon the death, resignation, or the removal of one of its members, to supply the vacancy by the election of some other person. They shall also have power to make vacant the seat of any member of the board who shall fail to attend its meetings for the term of twelve months, or for bad or any want of good character.

SEC. 11. *Be it further enacted*, That said trustees shall have power to meet from time to time upon their own adjournment, and as often as they shall be summoned by the chairman or president, or in his absence by the secretary.

SEC. 12. *Be it further enacted*, That the president of the board of trustees, as well as any other officer that may be necessary for the proper organization of such body, may be elected once in every year, at such time as the board shall fix by a majority vote; and the officer elected must be a member of the board of trustees.

SEC. 13. *Be it further enacted*, That the trustees, and their successors in office, have power and authority to grant and confer all such literary degrees and honors as are usual in any similar institution in the Union, and to give suitable diplomas, under the signatures of the faculty and five of the board of trustees, which diploma shall entitle the possessor to the same immunities and privileges allowed by usage and statute to the possessors of diplomas from any similar institution: *Provided*, That this section be subject to legislative control.

SEC. 14. *Be it further enacted*, That said trustees, and their successors in office, have power and authority to make all ordinances and by-laws for the government of their institution which they may deem expedient for carrying the design of the institution into effect: *Provided*, That none of the by-laws shall be inconsistent with the constitution and laws of the State or of the United States.

SEC. 15. *Be it further enacted*, That at a meeting of the board, a quorum being present, said board may, in the absence of the president, name one of its members chairman, whose acts shall be as valid as the acts of the president, and all acts of the board, under such circumstances, shall be as regular and effectual as if the president had been present and presided over the meeting.

SEC. 16. *Be it further enacted*, That all the property belonging to said institution, or which may hereafter belong to it, be, and is hereby, exempt from taxation.

SEC. 17. *Be it further enacted*, That this act shall take effect from its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXIX.

AN ACT to change the line between the counties of Anderson and Campbell.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county line between the counties of Anderson and Campbell be so changed as to include the present residence and farm of Silas L. Arthur in the county of Anderson.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXX.

AN ACT to incorporate the Cumberland Basin Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John T. Wilder, W. O. Osgood, W. Hunt, William E. Prall, J. H. Fessenden, S. A. Crittenden, James W. Clark, P. C. Leary, William McMustry, and Samuel Sawyer, and their associates, successors, and assigns, be, and they are hereby, constituted a body corporate, by the name and style of "The Cumberland Basin Petroleum and Mining Company," and by that name shall have ninety-nine years succession, and shall be competent to sue and be sued in any court of equity or law whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company not inconsistent with the constitution and laws of Tennessee: to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, salt, and personal property as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, transport, work, manufacture, refine, and vend said minerals, coal, iron, oil, salt, and products thereof, and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest, or interest in real estate, as may be necessary to purchase or lease for the operation of the works of the company, and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines or minerals, lands or leases, iron, coal, petroleum, or leases, situate in this State or elsewhere, a separate and distinct interest of each mine, bed, field, vein, or deposit, or lease, may be created under some name to distinguish the same, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations in this State.

SEC. 4. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 8, 1865.

CHAPTER XXXI.

AN ACT to incorporate the Cumberland Mining and Petroleum Company and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Barnard F. Mullins, Edward W. Metcalf, Julius C. Hart, Hugh Barns, Alexander J. Mullins, and their associates and successors be, and they are hereby, created a body politic and corporate by the name and style of "The Cumberland Mining and Petroleum Company," and by that name shall have succession for ninety-nine years, and shall be capable in law and equity to sue and be sued, plead and be impleaded, in all suits and proceedings whatever, in any of the courts of this State, and for the purpose of boring for oil and salt, and mining for iron, coal, copper, and other mineral or fossil substances in this State, and vending and selling the same, and for erecting buildings and fixtures, and other improvements, in order to carry on said mining operations, and said company may acquire and hold all needful machinery and apparatus, and may have a common seal, and the same may alter or change at pleasure; may take, hold, manage, convey or transfer any real or personal estate or property

necessary for their business, or lease the same; and may make by-laws for the government of the company.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, (\$500,000,) in shares of one hundred dollars each, and the corporators named in the first section of this act may act as directors in organizing the company, and act as such until the stockholders have a general meeting, when they shall elect a board of five directors, and thereafter they shall elect directors annually at the place they may designate for business, but a failure to elect annually shall not work a forfeiture of this charter, but the then existing directors shall act until others are elected. The directors shall elect one of their members president, and may appoint a secretary and treasurer, and such other officers, operatives, and agents as they may think proper, and fix their compensation and wages.

SEC. 3. *Be it further enacted*, That the company may sue any delinquent stockholder for default to pay in his stock, or any of it, according to the terms of the subscription or regulations of the company, or may, if they choose, declare forfeiture of such stock, and may make such by-laws and rules in relation thereto as are not inconsistent with the constitution and laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That nothing in this act shall be so construed as to allow said company any banking privileges whatever, and a violation of this charter shall authorize the legislature to alter or repeal it.

SEC. 5. *Be it further enacted*, That section 1 of an act to incorporate "The Raulston Oil and State Company," passed May 25, 1865, be so amended as to read thus: "That Albert G. Ransom, H. D. McKinney, R. S. Raulston, Hugh L. W. Raulston, W. W. Totten, and Charles Wescott, and their associates, successors, and assigns be, and they are hereby, constituted a body corporate and politic by the name and style of 'The Raulston Coal, Iron, Oil, and Sait Company,' and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in this State or elsewhere; to have and to use a common seal and change the same at will; also, to buy, lease, sell, grant, and convey lands in this State or elsewhere; to explore and drill for, mine, pump, and raise coal, iron, salt, oil, petroleum, naphtha, asphaltum, and all other minerals of every description, with the right to manufacture and refine said oils and minerals, and benzoin, burning fluids, dyes, and colors, and to such other purposes and uses as are now known or as science and chemistry may hereafter make known and discover; also, the right to erect in this State or elsewhere on any lands they may acquire by purchase, gift, or lease, such furnaces, rolling mills, machinery, and fixtures as they may think proper; to manufacture pig metal, rolled iron, and all other kinds of manufactured iron or other metals, as they may determine. Also the right to transport, sell, and dispose of all such oil, coal, iron, salt, and other minerals, together with all such manufactured articles, to vend at such places in this State, or elsewhere, as they may deem most profitable, and to have all other powers proper and needful for the successful prosecution of their business, and for the execution of the powers herein granted."

SEC. 6. *Be it further enacted*, That J. A. Stevens, F. Linek, and J. M. Wambough be, and they are hereby, constituted a body corporate and politic, under the name and style of "The Jackson Mining and Petroleum Company," and shall have the same perpetuation, powers, and privileges granted in the foregoing sections of this act, with the same succession, rights, and franchises; and, among other rights, to sue and be sued, to have and use a common seal, and to make such by-laws as shall not be inconsistent with this charter and the constitution and laws of the United States, or of the State of Tennessee; and with powers to issue and sell stock in shares of one hundred dollars each, and the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars.

SEC. 7. *Be it further enacted*, That so much of an act passed March the 19th, 1860, as refers to the South Nashville Street Railroad Company, and that so much of said act passed February 29, 1860, as refers to the McGavock and Mount Vernon Horse Railroad Company be, and the same are hereby, respectively revived and amended as hereinafter provided.

SEC. 8. *Be it further enacted*, That the said South Nashville Street Railroad Company shall have the exclusive right of way, excepting as hereinafter provided; and by and with the consent of the mayor and aldermen and council, or the city authorities of Nashville, through Cherry and College streets in the city of Nashville, from the public square in said city, to any point or points two miles south of the southern and eastern boundary lines of said corporation, over which to construct two lines of street railroads; also, through and over Cedar, Union, and Church streets, from College to Cherry streets, and through Franklin street, or such other location as may be agreed upon, in the southern part of said city, from Cherry street to Maple street, and through Maple street to its southern terminus.

SEC. 9. *Be it further enacted*, That said company may make a branch street railroad from their main stem or trunk to and through Carroll street eastwardly to the Lebanon turnpike road, and to extend the same at will southeastwardly along said turnpike road, not exceeding two miles from the corporation line.

SEC. 10. *Be it further enacted*, That E. H. East, M. Burns, E. R. Glascock, Robert Thompson, and G. H. Wessel be added to the other commissioners originally named in the

McGavock and Mount Vernon Horse Railroad Company, and that they, their associates and successors, are hereby constituted said body politic and corporate, for the uses and purposes set forth in said original charter.

SEC. 11. *Be it further enacted*, That said McGavock and Mount Vernon Horse Railroad Company and the South Nashville Street Railroad Company shall have the right of way in common over the railroad tracks in and along the public square in the city of Nashville, and over the tracks of said roads, or either of them, from said square through Cedar street to Cherry, through Cherry street to Church street, through Church street to College street, through College street from Church street to the public square, and along the south side of the public square to the suspension bridge piers, and along the west side to Cedar street, and to use, build, and occupy said railroad tracks in common, and upon such terms and conditions as may be fair and equitable.

SEC. 12. *Be it further enacted*, That said two street railroad companies may hereafter, by and with the consent of the common council, mayor, and aldermen of the city of Nashville, build other branches to their respective roads over and through such other streets as may hereafter be selected, and that said companies may contract with other private companies for the right of way over their property, and lay down one or more tracks as arms or branches to said railroads to such point or points as may be agreed upon.

SEC. 13. *Be it further enacted*, That said McGavock and Mount Vernon Horse Railroad Company shall have the exclusive right of way for a street railroad over such streets as may be selected by said company for their main lines and branches, excepting as hereinbefore declared in common for said two street railroads.

SEC. 14. *Be it further enacted*, That said charters, hereby revived and amended, shall run for fifty years from and after its passage, and that all acts or parts of acts heretofore passed coming in conflict with this amended act be, and the same are hereby, repealed.

SEC. 15. *Be it further enacted*, That Samuel Watkins, Wm. R. Elliston, Joseph T. Elliston, John O. Ewing, Charles Bosley, John H. Williams, Benjamin Litton, Wm. H. Gordon, R. H. McEwen, and W. R. Cornelius, their associates and successors, are hereby constituted a body politic and corporate, under the name of the West Nashville Street Railroad Company, and by that name may have succession for the term of fifty years, may sue and be sued, plead and be impleaded, may have and use a common seal, may receive, purchase, and hold such personal and real estate or property as may be necessary for carrying on the business of said corporation, and the same to sell and dispose of at pleasure; may make all needful by-laws for the government of their said company, not inconsistent with the laws of the United States or of this State.

SEC. 16. *Be it further enacted*, That said company is incorporated for the purpose of constructing and using a street railroad in the city of Nashville, westwardly, not exceeding two miles from the corporation boundary, over any two of Gay, Cedar, Church, and Broad streets, together with such streets running at right angles and between such two streets as may be selected: *Provided*, The same shall in no way interfere with the rights and privileges hereinbefore granted to other companies, and that this charter is granted with the same rights, privileges, conditions, and restrictions as are granted and imposed, in every particular, upon the McGavock and Mount Vernon Horse Railroad Company, passed February 29, 1860.

SEC. 17. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 9, 1865.

CHAPTER XXXII.

AN ACT to incorporate the United Hebrew Brethren Benefit Society of Memphis.

SECTION 1. *Be it further enacted by the general assembly of the State of Tennessee*, That J. M. Gaus, M. Skaller, M. Bren, L. Lyons, J. Heiligers, S. Goldbaum, S. Marks, and others, and all who shall hereafter become members and officers of the benevolent association known by the name and style of the "United Hebrew Brethren Benefit Society of Memphis," in the city of Memphis, in the county of Shelby, and State of Tennessee, be, and they are hereby, constituted a body politic and corporate, under the name and style aforesaid, with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, and hold personal and real property, stock, and incorporated hereditaments, and may dispose of the same in such manner as the said association may deem most expedient.

SEC. 2. *Be it further enacted*, That the said United Hebrew Brethren Benefit Society may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order and government of said society, not inconsistent with the Constitution of the United States or the State of Tennessee; and do and perform all other acts for their benefit not inconsistent with the privileges herein granted.

SEC. 3. *Be it further enacted*, That the old German order of the Farugari, known as Jackson Lodge No. 111, be, and the same is hereby, incorporated, with the same powers and privileges as conferred by the other sections of this act, and not inconsistent with the laws of the State.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 10, 1865.

CHAPTER XXXIII.

AN ACT to encourage the planting, improvement, and other interests of the State of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Edward Yardly, Thomas B. McElwee, Peter D. Luther, Wm. D. Whipple, T. W. Yardly, J. W. Barker, and John A. Spooner, be, and are hereby, incorporated into a body politic and corporate, and their successors, under the corporate name and style of the "Tennessee Manufacturing and Improvement Company."

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be two hundred and fifty thousand dollars, divided into twenty-five thousand shares of ten dollars each, with the privilege of increasing the capital stock to an amount not exceeding five million dollars.

SEC. 3. *Be it further enacted*, That this company shall have a common seal, and by its corporate name and style shall have power to transact all its business in its corporate name, purchase and lease lands, raise and manufacture cotton, also oil from cotton seed, together with the mining and dealing in coal, iron, marble, and any or all other valuable minerals: *Provided*, This company shall not engage in the business of banking.

SEC. 4. *Be it further enacted*, That this company shall have full power and authority to open and make roads, by rail or otherwise, necessary for ingress and egress in its operations in shipping their products to market; said company being at its own expense in the same, and rendering to owners of lands—provided said owners are willing to dispose of the lands—just compensation for the right of way and land so appropriated.

SEC. 5. *Be it further enacted*, That this company shall have power to elect its own officers, and establish by-laws, rules, and regulations for the government of the same in such manner as the company may think best; the same not being repugnant to this act.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar institutions in this State.

SEC. 7. *Be it further enacted*, That, with a view to the relief of the travelling community generally, and the incorporated turnpike companies of the State, permission is granted said turnpike companies to collect tolls at their several gates; the proceeds of the same, after paying the expense of collection, shall be appropriated to the repair of said roads till the same are made equal to the requirements of the original charter, when this section shall cease to have any further effect.

SEC. 8. *Be it further enacted*, That, to enable the Lebanon and Nashville Turnpike Company to rebuild the bridges burned by General Forrest's command across Mill creek and Stone's river, said company shall be allowed to charge double tolls so soon as one or both of said bridges are completed, and so continue until the gross amount of the extra toll hereby allowed shall create a fund sufficient to discharge the debts incurred in rebuilding said bridges, and no longer, when the provisions of this section shall cease.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 9, 1865.

CHAPTER XXXIV.

AN ACT to incorporate the New York and Tennessee Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That E. A. Stillman, L. B. Ostrander, Peter Dick, Joseph S. Rains, M. L. Parkhurst, T. S. Briscoe, Edgar Hyke, Patrick Lavelle, Joseph Cochrum, and C. J. Hall, (of whom the first five shall constitute the directors for the first year,) be, and they are, together with their associates, successors, and assigns, hereby constituted a body politic and corporate, by the name of "The New York and Tennessee Petroleum and Mining Company," for the purpose of ex-

ploring for petroleum, rock oil, coal oil, salt, volatile substances, and all ores, minerals, and metals, and for mining, pumping, or obtaining by any other process, refining and vending the same, and for such purposes may have and hold in fee simple, or for a term of years, real or personal estate; may mortgage, transfer, or convey the same; may purchase, construct, or erect all necessary buildings, apparatus, roads, &c., for conducting their operations; may have a common seal, and alter or renew the same at pleasure; enjoy all the privileges and immunities of similar corporations, and by that name may sue and be sued, plead and be impleaded, appeal, prosecute, and defend in suits and actions, in any court of law or equity in this or any other State; may make such by-laws, rules, and regulations for accomplishing the objects of the corporation as may be deemed best from time to time by a majority of the board of directors: *Provided*, Such by-laws, rules, and regulations do not conflict with the spirit and letter of this charter, the Constitution and laws of the United States, or of the State of Tennessee.

SEC. 2. *Be it further enacted*, That at any time within five years from the passage of this act a majority of the above named persons may meet in the city of Nashville, and after accepting this charter may proceed to open books for the subscription of stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall consist of not less than fifty nor more than five hundred thousand dollars, to be divided into such number of shares as the board of directors may determine.

SEC. 4. *Be it further enacted*, That when twenty per cent. of the stock shall be subscribed for, and as much as ten per cent. in cash, or real or personal estate in fee or leasehold (the value of the same to be determined and agreed upon by the board of directors) shall be paid into the treasury of the company, or be in its legal possession, the board shall proceed to elect a president, secretary, treasurer, and such other officers as they may see fit.

SEC. 5. *Be it further enacted*, That the directors shall require books to be kept containing the names of the stockholders, the amount of their subscription, payments, transfers of stock, and every fact relating to the stock, which, at all reasonable times, shall be subject to the inspection of any and every stockholder.

SEC. 6. *Be it further enacted*, That each stockholder shall be entitled to a certificate, or certificates, of the stock he or she may own, which certificate shall be signed by the president and secretary of the company, and stamped with its seal.

SEC. 7. *Be it further enacted*, That no transfers of stock shall be valid, until such transfer is registered on the books of the company by the prescribed officer or regular transferring agent.

SEC. 8. *Be it further enacted*, That the chief office of the company shall be at Nashville, but the directors may establish a branch office at the field of operations, and elsewhere, if the interests of the company are deemed to require it.

SEC. 9. *Be it further enacted*, That the directors of the company shall not be less than five in number, and after the first year shall be chosen by the stockholders.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to allow banking privileges under this corporation.

SEC. 11. *Be it further enacted*, That for any violation of this charter the legislature may alter, change, or repeal this act.

SEC. 12. *Be it further enacted*, That C. Hamburgh, Thomas Hays, Sol. Barber, Jack Huffman, James Killeben, Moses Oldburn, and M. D. Davin, of the county of Montgomery, be, and they are hereby constituted, a body politic and corporate, by the name of "The Montgomery and Cumberland River Coal and Oil Company," with all the rights, powers, and privileges that are hereby granted to "The New York and Tennessee Petroleum and Mining Company."

SEC. 13. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Passed June 10, 1865.

CHAPTER XXXV.

AN ACT to re-charter the Tennessee Marine and Fire Insurance Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Joseph Vaulx, Wm. T. Berry, Samuel J. Carter, Joseph B. Knowles, Samuel Watkins, John M. Hill, James A. McAllister, or any three of them, be, and are hereby, authorized to open subscriptions in Nashville, for the capital stock of said company, on Monday, the 25th day of June next, and keep them open every day between the hours of 10 a. m. and 4 p. m., until Saturday, 4 o'clock p. m., the 30th day of the same month: *Provided*, The present stockholders in said company shall have the right to subscribe for stock not exceeding the amount now held by them in said company; and the subscribers to the stock of the company, and their successors, shall be, and they are hereby declared to be, a body politic and incorporate, by the name and style of the "Tennessee Marine and Fire Insurance Company," and by that name shall

so continue until the first day of January, eighteen hundred and ninety-five, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or elsewhere; and to make and use a common seal, and the same to alter or renew at their pleasure; and generally to do and perform all things relative to the objects of this institution which now is or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders, not to exceed three hundred thousand dollars, divided into shares of fifty dollars each: fifteen dollars on each share shall be paid at the time of subscribing, and ten dollars on each share shall at the same time be secured by negotiable notes with security, to be approved by the president and directors, payable in one of the banks of Nashville, in ninety days from the date, to the president, directors and company of said "Tennessee Marine and Fire Insurance Company;" the balance of said stock shall be secured by notes not having more than six months to run, with personal security, to be approved by the president and directors.

SEC. 3. *Be it further enacted*, That so soon as five hundred shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established; and it shall be lawful for the stockholders to meet as hereafter directed and choose their directors.

SEC. 4. *Be it further enacted*, That said corporation is hereby authorized and empowered to hold, possess, and acquire, and the same to sell and convey, all such real estate as may be necessary for the transaction of its business, or which may be conveyed to said company for the security of any debt which may become due or owing, or in satisfaction of any judgment or decree rendered in favor of said company, and may make such regulations as may be necessary and proper for the good government of said company.

SEC. 5. *Be it further enacted*, That the said Tennessee Marine and Fire Insurance Company shall have full power and authority to make insurances on ships and other sea vessels, and upon steamboats, flat-boats, and other river boats; upon freight, seamen's wages, wares, and merchandise, and gold and silver, bullion, or money, against all maritime risks of the rivers, seas, or lakes; and upon houses, stores, and other buildings, goods, wares, merchandise, furniture, and other articles against fire, and upon bottomry and respondentia, and fix a premium thereon. And the said company shall have power—first, to take insurance on lives; second, to receive and hold land under grants, with general or special covenants, so far as the same may be necessary for the transaction of their business; or when the same may be taken in payment of debts due the company, or purchased upon sale made under any law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey, and dispose of; and generally to do and perform all other things necessary to promote these objects.

SEC. 6. *Be it further enacted*, That it shall be lawful for said company to invest any part of its capital stock, money, fund, or other property, in any public stock or funded debt, created or to be created, by or under any laws of the United States or this (or any other) State, or in the stocks of any chartered bank in this State or of the United States, and the same to sell or transfer at pleasure; and again, to invest the same whenever and so often as the exigencies of said company or a due regard for the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interests of said company.

SEC. 7. *Be it further enacted*, That the real and personal estate, business, property, and fund of said company, and the administration of its affairs, shall be under the direction, management, and control of a board of eleven directors, each of whom shall be owners in their own names of not less than ten shares of the capital stock of said company, citizens of the United States and of this State.

SEC. 8. *Be it further enacted*, That an election shall be held after the first election, for the board of directors for said company, at the office of said company in Nashville, on the first Monday in October in each year and every succeeding year, of which ten days' notice shall be given in at least two of the newspapers printed in Nashville, each shareholder giving one vote for each share of which he or she may be the owner, but no shareholder shall be entitled to more than thirty-five votes; and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held as herein provided, the said company shall not be dissolved; but the board of directors for the time being shall serve until another election takes place, which may be at any time thereafter, the board for the time being giving at least ten days' notice thereof in two of the newspapers printed at Nashville; and the said directors are hereby authorized to fill any vacancy that may happen through death, resignation, or otherwise.

SEC. 9. *Be it further enacted*, That the directors so elected shall elect one of their body president of said company, who shall serve until the next annual election; and in case of his death, resignation, or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary, and all subordinate officers, clerks, agents, and servants of said company; fix their compensation, define their powers, and prescribe their duties; who shall hold their offices during the pleasure of the board.

SEC. 10. *Be it further enacted*, That the president and four directors, or five directors in the absence of the president, shall constitute a quorum to transact business for said company. The board of directors shall have full power and authority to establish agencies in this State, and any other State or States, appoint agents and other assistants for conducting the business of the same, and prescribe the mode and amount of their compensation; to appoint from their own body, risk and other committees, and establish by-laws and other regulations deemed necessary for the proper management of the business of said company.

SEC. 11. *Be it further enacted*, That the stock of said company shall be held and considered personal property, and it shall not be assigned or transferred, except on the books of the company, and with the assent of two-thirds of the directors, and in the manner and forms which shall be prescribed by the board of directors; yet such stock to be liable for the satisfaction of debts, as prescribed by law.

SEC. 12. *Be it further enacted*, That on the first Mondays of October and April of each year half-yearly statements shall be made exhibiting a true statement of the condition of the company, which shall be laid before the stockholders, and such dividends may be made as the president and directors may deem advisable, but they shall in no case diminish the capital stock.

SEC. 13. *Be it further enacted*, That if at any time a stockholder shall fail to pay such instalments on his stock as may be called for at the time and in the manner prescribed, the board of directors, for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale, at public auction, to the highest bidder, for cash, and the number of shares so sold shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company, and if the sum bid be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of this State having jurisdiction thereof.

SEC. 14. *Be it further enacted*, That the board of directors shall have the power at any time, when, in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid, and if such stockholder fail or refuse to give such additional security to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

SEC. 15. *Be it further enacted*, That so soon as the amount of stock mentioned in the third section of this act is subscribed for, and after five days' notice in two of the newspapers published in Nashville, signed by any three members of the company, the stockholders shall meet at such time and place as may be appointed within the city of Nashville, and elect, by ballot, the first board of directors—a plurality of votes given shall elect—and the persons so elected shall, at their first meeting, elect one of themselves president of the board, who, with said directors, shall serve until the first Monday in October, 1866, and until another board of directors is elected.

SEC. 16. *Be it further enacted*, That no stockholder or member of this company shall be answerable in his person or individual property for any contract or agreement of said company, or for any losses, deficiencies, or failures of the capital stock of this company, but the whole of said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall, at any time, be answerable for the demands against said company: *Provided*, That any director, or directors, who shall sanction or aid in the continuance of said company after it shall become insolvent and unable to meet its liabilities, and said fact known to the directors, shall be held personally responsible for all deposits thereafter made, or liabilities thereafter incurred, by said company.

SEC. 17. *Be it further enacted*, That nothing herein contained shall be so construed as to give the company hereby created the power of issuing bills of credit or exercising banking privileges.

SEC. 18. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

SEC. 19. *Be it further enacted*, That the company hereby created shall have all the rights and privileges that belong by existing laws or that may hereafter be granted to other insurance companies of this State.

SEC. 20. *Be it further enacted*, That should the requisite amount of stock not be subscribed by the time specified in section one, those appointed to open subscriptions, or any three of them may, from time to time, re-open books for the subscription of stock in this company, until the proper amount be taken: *Provided*, The time allowed for said subscriptions shall terminate on the first day of December next.

SEC. 21. *Be it further enacted*, That a bonus to the State of half of one per centum upon their capital be paid for the use of common schools in the State of Tennessee.

SEC. 22. *Be it further enacted*, That the law requiring the Union Insurance Company and the Life Insurance Company, called "The East Tennessee Mutual and Trust Company," to deposit with the comptroller of the State twenty thousand dollars of six per cent. bonds of the State be, and is hereby, repealed.

SEC. 23. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Passed June 10, 1865.

Resolutions.

NUMBER I.

JOINT RESOLUTION to compare the vote for governor.

Resolved by the general assembly of the State of Tennessee, That the two houses meet in the representatives' hall, on Tuesday the 4th instant, for the purpose of comparing the vote cast in the election for governor, held on the 4th day of March, 1865, in the State of Tennessee.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER II.

A JOINT RESOLUTION of respect to the memory of Hon. Samuel K. McCammon.

1. *Resolved by the general assembly of the State of Tennessee,* That we deeply regret the death of Hon. Samuel McCammon, joint representative from the counties of Knox and Sevier; that in his death this body has lost an experienced and useful member, the State a good citizen, the government a firm and ardent supporter.

2. *Resolved,* That we sympathize with his bereaved wife and children, and, as a token of respect for his memory, that we wear the usual badge of mourning for thirty days.

3. *Resolved,* That a copy of these resolutions be forwarded to his widow, and the same be spread on the journal of this house.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER III.

SENATE RESOLUTION to print rules for its government.

Resolved, That one hundred copies of the rules of 1859 and 1860, adopted on yesterday, be published for the use of the senate.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER IV.

SENATE RESOLUTION fixing number of papers to be taken by members.

Resolved, That the members of the senate select each three of the daily papers of this city and no more, and that the same be paid for out of the State treasury.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER V.

SENATE RESOLUTION inviting General Thomas to a seat in the senate.

Resolved, That Major General George H. Thomas be invited to visit the senate, and that a committee of three be appointed to notify him of this invitation.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER VI.

SENATE RESOLUTION to open the senate with prayer.

Resolved, That the daily proceedings of the senate shall be opened by prayer, and to this end the speaker be authorized to invite the loyal clergymen present in the city to officiate.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER VII.

JOINT RESOLUTION to notify the governor of his election.

Resolved by the general assembly of the State of Tennessee, That a committee of two be appointed on the part of the senate, and such committee as the house of representatives may appoint, to notify his excellency, Governor William G. Brownlow, of his election as governor of the State of Tennessee, and request him to designate what time will suit him to be inaugurated.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 4, 1865.

NUMBER VIII.

JOINT RESOLUTION to meet in convention to inaugurate the governor.

Resolved by the general assembly of the State of Tennessee, That the senate will meet the house of representatives in the hall of the latter at 11 o'clock a. m., on to-morrow, to participate in the inauguration ceremonies.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 5, 1865.

NUMBER IX.

JOINT RESOLUTION adopting the amendments of the Constitution of the United States abolishing slavery.

Resolved by the general assembly of the State of Tennessee, That the amendments of the Constitution of the United States proposed by the Congress of the United States on the first day of February, 1865, in the words and figures following, to wit:

“Resolved by the Senate and House of Representatives of the United States in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of said States, shall be valid, to all intents and purposes as a part of the Constitution, namely:

“ARTICLE VIII.

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

“SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

“A. LINCOLN.

“Approved February 1, 1865.”

Be, and the same is hereby, ratified as a part of the Constitution of the United States of America.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 5, 1865.

NUMBER X.

A JOINT RESOLUTION tendering the thanks of the general assembly of the State of Tennessee to Gen. Thomas.

WHEREAS, The major general commanding the department of the Cumberland has directed Brevet Brigadier General Donaldson, chief quartermaster, to give free transportation on United States military railroads to senators and representatives of the State, and the quartermaster has requested, in writing, that the information be furnished to him: therefore,

Resolved by the general assembly of the State of Tennessee, That the thanks of the general assembly of the State of Tennessee are hereby tendered to Major General Thomas, commanding, for his kindness and liberality; and that the clerk of the senate furnish to Brevet Brigadier General Donaldson a list of the names of the senators, and that the clerk of the house furnish a list of the names of the members of the house and their officers and reporters, in compliance with his request.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 10, 1865.

NUMBER XI.

JOINT RESOLUTION tendering the thanks of the loyal people of Tennessee to the legislature of Ohio.

Whereas the legislature of Ohio did, on the 31st day of March, 1864, pass a joint resolution instructing their senators and requesting their representatives in Congress to use their influence to have enacted proper laws to feed, clothe, and furnish transportation to the destitute people of East Tennessee, who by the ravages of war were compelled to leave their homes and seek homes in a strange land amongst strangers; and whereas said resolution was, in the opinion of the people of East Tennessee, one of the legitimate offsprings of the patriotism and love of country of the gallant and self-sacrificing people of Ohio, and strengthened the bonds of friendship and brotherly love existing between the loyal people of Tennessee and Ohio: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That the thanks of the loyal people of the State of Tennessee are hereby tendered to the legislature of Ohio for this manifestation of their confidence and esteem, and for this Christian and patriotic offer to relieve the destitute of our State.

Resolved, That the secretary of State be, and he is hereby, instructed to transmit immediately a copy of this preamble and resolutions to the secretary of state of Ohio, with a request that he lay the same before the legislature of said State now in session.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 11, 1865.

NUMBER XII.

JOINT RESOLUTION directing the State treasurer to pay to members of the legislature the amount due them.

Resolved by the general assembly of the State of Tennessee, That the acting treasurer of the State pay to each member of the senate and house of representatives, and the officers thereof, the amount that may be due them when they apply for the same, and take a receipt for the same, which shall be good at the close of the session in the settlement of their accounts.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 11, 1865.

NUMBER XIII.

JOINT RESOLUTION to elect a secretary of state.

Whereas a vacancy has occurred in the office of secretary of state: Therefore,
Resolved by the general assembly of the State of Tennessee, That the senate and house of representatives meet in convention in the representative hall, on Monday, the 17th day of April, at 2 o'clock, p. m., to fill said vacancy.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 12, 1865.

NUMBER XIV.

JOINT RESOLUTION to raise a committee on the State library.

Resolved by the general assembly of the State of Tennessee, That a joint committee be appointed on the State library, two on behalf of the senate and three on behalf of the house of representatives.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 12, 1865.

NUMBER XV.

JOINT RESOLUTION to appoint a joint committee of the two houses to report joint rules and regulations for the government of both houses.

Resolved by the general assembly of the State of Tennessee, That the speaker of the senate appoint a committee of three, to act in conjunction with such committee as may be appointed on the part of the house of representatives, to report joint rules and regulations for the government of the two houses.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 12, 1865.

NUMBER XVI.

JOINT RESOLUTION to raise a joint committee to redistrict the State.

Resolved by the general assembly of the State of Tennessee, That a committee of five on the part of the senate, and such number as the house of representatives may appoint, shall constitute a joint committee, who shall report a bill redistricting the State for members of Congress, and senators and representatives to the State legislature, as required by law.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 12, 1865.

NUMBER XVII.

JOINT RESOLUTION to appoint a committee to investigate the past and present condition and management of the penitentiary.

Resolved by the general assembly of the State of Tennessee, That the committee on the penitentiary be, and they are hereby, constituted a joint committee to investigate the past and present condition and management of the penitentiary, and that they be authorized to send for persons and papers.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 14, 1865.

NUMBER XVIII.

JOINT RESOLUTION appointing a committee to report what action should be had with reference to the death of President Abraham Lincoln.

Whereas the members of the general assembly have learned with sadness and sorrow of the melancholy death, by assassination, of Abraham Lincoln, late President of the United States, therefore be it—

Resolved by the general assembly of the State of Tennessee, That there be a joint committee of five in the senate and five in the house of representatives, to be appointed by the respective speakers, to take into consideration and report what action should be taken by the legislature on the mournful and sorrowful occasion.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted April 17, 1865.

NUMBER XIX.

JOINT RESOLUTION expressing the sense of the general assembly on the death of President Abraham Lincoln.

Whereas the death of Abraham Lincoln, President of the United States, in the full vigor of his physical and mental faculties, by the hand of an assassin, is a bereavement that extends to all parts of the nation; and particularly does it affect the people of those States who have for years been suffering from the weight of military rule, made necessary by the rebellion, and who were endeavoring to restore their political relationship to the government of the United States;

Whereas, in his death, the nation mourns the loss of one of her most gifted and worthy sons—the highest officer, the President, and slain because he was the President of the United States, it is right and proper that the general assembly of the State of Tennessee should express, as such, in an appropriate manner, its sorrow at his death; its condemnation of the assassin who committed it, and the men who plotted the hellish deed; its appreciation of the high intellectual, moral, and social qualities which ever characterized his private life; and its approval of the large-hearted patriotism which marked his administration, showing that his course of action was impelled by humanity, rather than calculation;

Whereas the laborious duties of the executive office during the trying times of the great rebellion gave ample scope to a heart full of sympathy and warm affections. As President, he had a wide field for manly action. *There* was displayed his love of the right and his scorn for the wrong. *Here* his large-heartedness was made conspicuous, and his generosity and charity bore fruit. He was, as President, a model. The honors he coveted were honorable. With a wise and lofty patriotism, unsurpassed by any, he applied the powers of his great mind to work out the true principles upon which the union of the States could be preserved. The measures proposed were as nothing, unless they were calculated to accomplish the end so earnestly desired. His recommendations were always directed towards its maintenance, and were uniformly enforced with a facility and aptness of illustration which seemed inexhaustible;

Whereas Abraham Lincoln's originality of manner, his humor, wit, sarcasm, and wondrous powers of ridicule, were weapons particularly his own, which no one else could imitate. Add to these qualities courage, will, and indomitable persistency of purpose, which never flagged or faltered, and he was a power felt and acknowledged by the nation. Take him all in all, it will be long ere we look upon his like again;

Whereas he is dead; but the days of his pilgrimage, although in troublesome times, were full of honor, love, and troops of friends. The nation mourns. Peace be with him. Therefore,

Be it resolved by the general assembly of the State of Tennessee, That, in the death of Abraham Lincoln, President of the United States, we mourn in heart-felt sorrow the loss of the nation.

Resolved, That in token of his memory we wear the usual badge of mourning, and that our respective halls be draped in the habiliments of woe.

Resolved, That we cannot find language strong enough to express our condemnation of the assassin who performed, and the conspirators who plotted, the deed, and heartily desire that they meet a speedy and deserved punishment.

Resolved, That we deeply condole with the family of the deceased in this the hour of their great bereavement, and fully sympathize with them in their terrible affliction and overwhelming grief.

Resolved, That a copy of these resolutions be forwarded to the family of the deceased by the secretary of state.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 17, 1865.

NUMBER XX.

JOINT RESOLUTION to support the administration of President Johnson.

Resolved by the general assembly of the State of Tennessee, That confiding in the patriotism and integrity of Andrew Johnson, we will give his administration of the government the same cordial support accorded by the loyal people of the nation to his predecessor.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 17, 1865.

NUMBER XXI.

JOINT RESOLUTION requesting the governor of the State to communicate certain facts to the President of the United States.

Believing that the time has arrived in the political status of the State of Tennessee when the loyal people of said State are anxious and desirous that civil law and order should be restored and prevail throughout the borders of the whole State, and that they should once more be permitted to resume their political and social relations with the government of the United States of America—to accomplish this end, therefore, be it

Resolved by the general assembly of the State of Tennessee, That his excellency, the governor of the State of Tennessee, is hereby requested to make known to the President of the United States the actions and proceedings of the late State convention, begun and held in Nashville on the 9th day of January, 1865, with regard to the amendments to the constitution of the State of Tennessee; also of the ratification of said amendments by the loyal people of said State, at the ballot-box, on the 22d day of February last.

Resolved, further, That his excellency, the governor, also make known to the President of the United States the action of the present legislature of the State of Tennessee upon the adoption of the amendment to the constitution of the United States; and that he respectfully request the President of the United States to make known to the loyal citizens of the State of Tennessee, by proclamation or otherwise, that the State of Tennessee be no longer considered in a state of insurrection, and that the loyal people of said State be granted all the rights and privileges that are granted or allowed to the loyal citizens of any of the sister States that are not considered in a state of rebellion against the government of the United States.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 21, 1865.

NUMBER XXII.

JOINT RESOLUTION allowing mileage to Messrs. Grantham and Tighe.

Resolved by the general assembly of the State of Tennessee, That Willis Grantham, the applicant for the seat of Furney Jones, from the county of Claiborne, and Samuel Tighe, the contestant for the seat of M. T. Ryder, from the county of Shelby, be allowed their mileage and per diem up to this day, and that the amount so appropriated be included in the general appropriation bill; it appearing to the satisfaction of the legislature that their claims were meritorious, if not legal.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 22, 1865.

NUMBER XXIII.

JOINT RESOLUTION to meet in convention to elect a comptroller.

Whereas a vacancy has occurred in the office of the comptroller of the treasury ; Therefore, be it

Resolved by the general assembly of the State of Tennessee, That the senate and house of representatives meet in convention on Tuesday, the 25th day of April, at 10 o'clock a. m., to fill said vacancy.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 22, 1865.

NUMBER XXIV.

JOINT RESOLUTION raising a joint committee on ways and means.

Resolved by the general assembly of the State of Tennessee, That the committee on finance and ways and means of the senate, and the committee on ways and means of the house of representatives, shall constitute a joint committee on ways and means.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 24, 1865.

NUMBER XXV.

JOINT RESOLUTION to meet in convention to elect registers of land offices.

Resolved by the general assembly of the State of Tennessee, That the senate will meet the house of representatives in the hall of the latter on the 29th instant, at 11 o'clock a. m., to elect registers of the land offices for the districts of Eastern, Middle, Western, and the mountain district of Tennessee.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 24, 1865.

NUMBER XXVI.

JOINT RESOLUTION for the benefit of V. Myers.

Resolved by the general assembly of the State of Tennessee, That the comptroller of the treasury of the State pay V. Myers, contestant for the seat in the 4th senatorial district, the mileage and per diem that would have been due him if he had been admitted to his seat.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 24, 1865.

NUMBER XXVII.

JOINT RESOLUTION to meet in convention to elect secretary of state.

Resolved by the general assembly of the State of Tennessee, That the senate meet the house of representatives in joint convention in the hall of the latter on Thursday, the 27th instant, at 10 o'clock, for the purpose of electing a secretary of state.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 23, 1865.

NUMBER XXVIII.

JOINT RESOLUTION to meet in convention to elect a treasurer and secretary of state.

Resolved by the general assembly of the State of Tennessee, That the senate meet the house of representatives in the hall of the latter on the 27th instant, at 10 o'clock, to elect a State treasurer at the same time of the election of secretary of state.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 25, 1865.

NUMBER XXIX.

JOINT RESOLUTION in regard to the State library.

Resolved by the general assembly of the State of Tennessee, That the State library be opened during the meeting of the general assembly, from 8 o'clock a. m., until 5 o'clock p. m., continuously.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 27, 1865.

NUMBER XXX.

JOINT RESOLUTION to meet in convention to elect Senators to the United States Congress.

Resolved by the general assembly of the State of Tennessee, That the senate meet the house of representatives in the hall of the latter on Thursday, 4th of May next, at 10 o'clock, for the purpose of electing two Senators to the next Congress of the United States.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 24, 1865.

NUMBER XXXI.

A JOINT RESOLUTION to declare the office of comptroller of the treasury of the State of Tennessee vacant.

Whereas the two houses met in convention in the representative hall on the 25th of April and voted for a comptroller; and whereas a majority of the votes cast in said election was for Hon. J. R. Dillon for said office; and whereas part of the tenth section of the second article of the constitution of the State of Tennessee is as follows, viz: "No senator or representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment of which is vested in the executive or the general assembly, except to the office of trustee to a literary institution;" and whereas it appears from the above recited clause of the State constitution that Mr. Dillon was not eligible to said office on account of his holding a seat in this legislature: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That we now declare the office of comptroller of the treasury of the State of Tennessee now vacant and should be filled by the election of some competent and eligible person to fill said vacancy.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 29, 1865.

NUMBER XXXII.

JOINT RESOLUTION to meet in convention to elect a public printer.

Resolved by the general assembly of the State of Tennessee, That the members of the senate and the house of representatives meet in the hall of the house on Tuesday, the 2d day of May, for the purpose of electing a public printer.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 29, 1865.

NUMBER XXXIII.

JOINT RESOLUTION to meet in convention to elect a State librarian.

Resolved by the general assembly of the State of Tennessee, That the two houses meet in convention in the hall of the house of representatives on Tuesday, the second day of May, at 10 o'clock a. m., for the purpose of electing a State librarian.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted April 29, 1865.

NUMBER XXXIV.

JOINT RESOLUTION offering a reward of five thousand dollars for the apprehension of Isham G. Harris.

Whereas treason is the highest crime known to the laws of the land, and no one is presumed to understand the true meaning of the term better than governors of States, and certainly no one should be held to a more strict account for their treason; and

Whereas the State of Tennessee, before the rebellion, enjoyed a high social, moral, and political position, and had the well-earned reputation of the Volunteer State; and

Whereas by the treason of one Isham G. Harris, ex-governor of Tennessee, the State has lost millions of dollars, and thousands of the young men of the State have been killed in battle and died of disease, and thousands of the middle-aged and old men have been murdered and imprisoned, and defenceless women and children driven from the State, heart-broken and penniless; and

Whereas the voters of Tennessee did, in the month of February, 1861, by a majority of sixty thousand, repudiate treason and rebellion, but the aforesaid Isham G. Harris, well knowing the true sentiments of the State upon treason and rebellion, and wholly disregarding the overwhelming expression of popular sentiment, did use his position as governor as aforesaid, to put the State in rebellion and hostility to the government of the United States, and is guilty of treason, perjury, and theft, and is responsible to a great extent for the war, misery and death of thousands of the citizens of the State, and for the desolation of the same from east to west and from north to south; the cries of the wounded and dying, the wail of the widow, the weeping of the orphan, come to us upon every breeze, imploring us to punish the instigators of the rebellion: Therefore, for the reasons aforesaid, be it

Resolved by the general assembly of the State of Tennessee, That the governor of the State is hereby authorized and instructed to offer a reward of five thousand dollars for the apprehension and delivery to the civil authorities of the State the aforesaid Isham G. Harris; and he shall fully describe said fugitive from justice, and shall make publication for three months, or longer if he may think proper, in one newspaper in each of the grand divisions of the State, and a paper published in Richmond, Virginia; Raleigh, North Carolina; Savannah, Georgia; Little Rock, Arkansas; New Orleans, Louisiana; and shall publish the preamble with his proclamation.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 1, 1865.

NUMBER XXXV.

A JOINT RESOLUTION to meet the house in convention to elect a State comptroller.

Resolved by the general assembly of the State of Tennessee, That the senate meet the house of representatives in joint convention on Thursday, the second day of May, at ten o'clock, to elect a State comptroller.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 1, 1865.

NUMBER XXXVI.

JOINT RESOLUTION to raise a joint committee to wait on the national banks of the State.

Resolved by the general assembly of the State of Tennessee, That a committee of three on the part of the senate, and such committee as the house of representatives may appoint, shall constitute a joint committee to ascertain what, if any, arrangements can be made with the national banks in each division of the State to receive the public funds of the State and disburse the same, as is now provided by law for the Bank of Tennessee and branches.

Resolved, That said committee report as early as possible.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 2, 1865.

NUMBER XXXVII.

JOINT RESOLUTION to meet in convention to elect an entry-taker for the Ocoee district.

Resolved by the general assembly of the State of Tennessee, That the senate and house of representatives meet in the hall of the latter on Tuesday, the second day of May next, for the purpose of electing a register and entry-taker for the Ocoee district, in the State of Tennessee.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 2, 1865.

NUMBER XXXVIII.

JOINT RESOLUTION appointing commissioners to settle with the Louisville and Nashville railroad.

Resolved by the general assembly of the State of Tennessee, That the comptroller, secretary of state, attorney general of the State, and commissioner of public roads of the State of Tennessee, be, and are hereby, constituted commissioners, on behalf of the State of Tennessee, to meet and make a settlement with the Louisville and Nashville Railroad Company, and make a report thereof to this session of the general assembly, if practicable; if not, to the next session of the same.

Be it further resolved, That if such settlement cannot be made by said commissioners with said Louisville and Nashville railroad as shall be satisfactory to them, the fact shall be made known to the governor of the State, and he may direct the attorney general of the State to institute such legal proceedings against said company as may be necessary to protect the interests of the State.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 5, 1865.

NUMBER XXXIX.

JOINT RESOLUTION applying to the President for troops.

Whereas the fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State of this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence; and

Whereas the State of Tennessee is one of the States of this Union, and is constantly invaded by armed bands of guerillas from the so-called Confederate States, and subject at all times to violence by domestic traitors, murdering and robbing the loyal citizens, stealing and carrying off their property, and hindering, delaying, and preventing the execution of the civil laws of the State; and

Whereas the greater portion of the young and middle-aged loyal men are in the United States army, and the old men have neither arms nor ammunition, consequently defence-

less, and the financial condition of the State is such that it is impossible to create a fund to clothe, arm, feed, and pay troops for State defence, to meet the usual expenditure of the State, and provide for the payment of the interest accrued on the bonds of the State, together with Tennessee's portion of the twenty million apportioned amongst the States by an act of Congress of August, 1861, will be all, if not more than the people can possibly meet: Therefore, be it

Resolved by the general assembly of the State of Tennessee, That the legislature of the State aforesaid, by virtue of the authority of the fourth section of the fourth article of the Constitution of the United States aforesaid, do make this application to his excellency Andrew Johnson, President of the United States, and commander-in-chief of the army of the same, to place under the direction and control of the proper military authority, in pursuance of the Constitution and laws of the United States, and under the control and direction of such authority as in his opinion may be right and proper, a sufficient number of Tennessee troops now in the United States service to repel invasion, and drive the invader from the State, and suppress any and all violence by armed domestic traitors, to protect loyal citizens, and aid and assist the civil officers in executing the civil laws of the State.

Resolved, That the secretary of state shall, immediately after the passage of this resolution, transmit a copy of the same, together with the preamble, under the great seal of the State, to the President of the United States, asking him to notify the legislature now in session, at as early a day as convenient, what action he will take in the premises.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 9, 1865.

NUMBER XL.

A JOINT RESOLUTION appointing a committee to memorialize Congress.

Whereas, by the presence of the federal troops in the State of Tennessee, rendered necessary by the armed resistance to the laws of the United States of a portion of its citizens, many military supplies have been taken from the loyal citizens of the State in an irregular manner, and much damage has been done to the property of unconditionally loyal citizens; and

Whereas, by article five of the amendments to the Constitution of the United States, it is declared that private property shall not be taken for public use without just compensation; and

Whereas the loyal citizens of Tennessee are entitled to the same consideration and protection as are the loyal citizens of any other State in the Union: Therefore, be it

Resolved by the general assembly of the State of Tennessee, That a committee of two on the part of the senate, and five on the part of the house, be appointed to prepare a memorial to the Congress of the United States, setting forth the obligations of the government of the United States to pay the loyal citizens of Tennessee for property taken from them by officers and soldiers of the United States, and paying that some legislation be had by Congress, making provisions to enable those loyal citizens who may have sustained losses in the manner already described to prove such losses, and that an appropriation be made by Congress to pay such loyal claimants.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 10, 1865.

NUMBER XLI.

RESOLUTION of inquiry in relation to the Hermitage property.

Resolved, That his excellency the governor be, and he is hereby, requested to communicate to the senate all the information in his possession in reference to the present status of the Hermitage property, including an account of its purchase by the State, the amount paid for it, and all subsequent legislation in regard to it, and what acts of ownership have been exercised over it by the State, and all other information he may deem proper, as well as any recommendation he may have to offer regarding its future management.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 12, 1864.

NUMBER XLII.

JOINT RESOLUTION raising a joint committee on the elective franchise.

Resolved by the general assembly of the State of Tennessee, That the judiciary committee of the senate and the judiciary committee of the house of representatives compose a joint committee on the subject of the elective franchise, and be instructed to bring in a bill on that subject to-morrow for action on that day.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 16, 1865.

NUMBER XLIII.

JOINT RESOLUTION requesting the governor to lay before the legislature certain correspondence.

Resolved by the general assembly of the State of Tennessee, That the governor be, and is hereby, requested to lay before the legislature all correspondence, if any, he may have had with James T. Dunlap, late comptroller of the treasury, relative to a return of the archives of the State; also with Vernon K. Stevenson, president of the Nashville and Chattanooga Railroad Company, relative to said road; also, with Granville C. Torbett, late president of the Bank of Tennessee, relative to a return of the assets of said bank, if, in the opinion of his excellency, the said information will not be detrimental to the public welfare.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 19, 1865.

NUMBER XLIV.

A JOINT RESOLUTION declaring certain civil offices vacant, and providing for filling of the same.

Whereas a war has existed in the State of Tennessee for four years, and during the greater part of that time all civil tribunals have been closed, and most of the officers holding offices have wilfully abandoned their offices, and neglected or refused to perform the duties incumbent upon them by the laws of the land, and in pursuance of the Constitution of the United States and of the State of Tennessee; and whereas many of the civil offices thus abandoned and vacated have been filled by appointments made by the acting governor of the State since the 7th day of March, 1862, which should be ratified and confirmed: Therefore,

Resolved by the general assembly of the State of Tennessee, That all civil offices of the State of Tennessee, to which their respective incumbents were elected and qualified previous to the 6th day of May, 1861, and who, after such election and qualification, have voluntarily abandoned their offices and wilfully neglected and refused to perform the duties required of them by law, are hereby declared vacant.

Resolved further, That all of the offices in the State of Tennessee that have been filled by appointment and election under the authority of the usurped State government, after the declared independence of the State of Tennessee, and after the 6th day of May, 1861, are hereby declared vacant.

Resolved further, That all civil officers who have been appointed since the 7th day of May, 1862, by his excellency Andrew Johnson, acting governor of the State, or who have been elected and qualified under his various proclamations, are hereby ratified and confirmed, and they shall continue to hold and exercise the functions of their respective offices until successors shall be elected and qualified as prescribed by the laws and constitution of the State of Tennessee and of the United States.

Resolved further, That his excellency William G. Brownlow, governor of the State, be, and he is hereby, requested, as soon as in his opinion he deems it advisable, to issue his proclamation ordering elections to be held in the respective counties of the State where such vacancies have occurred, requiring the people of the State to fill such vacancies in pursuance of the laws of the State; and in the mean time, until such elections are held, that he proceed and fill the vacancies by the appointment of suitable and proper persons until their successors

shall be elected and qualified; and the governor is clothed with full power to appoint special officers to hold said elections for each county, with full power to appoint deputies to perform all the duties as now required by law, where no regular officers are performing civil duties.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Approved May 20, 1865.

NUMBER XLV.

JOINT RESOLUTION to raise a joint committee to examine into the condition of the Bank of Tennessee and branches.

Resolved by the general assembly of the State of Tennessee, That a joint committee of one from the senate and two from the house be appointed to examine the condition of the Bank of Tennessee and branches—a committee to the principal bank and one to each branch, with liberty to send for persons and papers, and that they report to the regular session in October.

Committee on the part of the senate appointed under the above resolution.—Rogersville, Senator McKinney; Athens, Senator McElwee; Sparta, Senator Bosson; Columbia, Senator Frierson; Knoxville, Senator Rodgers; Trenton, Senator Hall; Memphis, Senator Smith; Clarksville, Senator Peart; Shelbyville, Senator Spence; Summerville, Senator Hurst.

Committee of the house.—Principal bank at Nashville, Messrs. Cooper and Lewis; branch at Rogersville, Messrs. Willis and Minnis; branch at Knoxville, Messrs. Heiskell and Donaldson; branch at Athens, Messrs. Henderson and Hood; branch at Sparta, Messrs. Anderson and Faulkner; branch at Columbia, Messrs. Arnell and Gilmer; branch at Shelbyville, Messrs. Mullens and Steele; branch at Trenton, Messrs. McNair and Norman; branch at Memphis, Messrs. Richards and Rider; branch at Somerville, Messrs. Smith and Warren; branch at Clarksville, Messrs. Wines and Mulloy.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 20, 1865.

NUMBER XLVI.

JOINT RESOLUTION to authorize the secretary of state to take charge of the senate chamber and hall of the house of representatives.

Resolved by the general assembly of the State of Tennessee, That the secretary of state, at the close of this session, shall have charge of the senate chamber, representative hall, and committee rooms, and cause all stationery, furniture, and other articles belonging to said halls, to be carefully preserved for the use of the next general assembly, and shall be allowed by the comptroller all necessary expenses incurred in preserving the same, and a reasonable compensation for his services.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 22, 1865.

NUMBER XLVII.

JOINT RESOLUTION to meet in convention to elect a keeper of the penitentiary.

Resolved by the general assembly of the State of Tennessee, That the senate meet the house of representatives on Monday, 29th instant, at 11 o'clock a. m., for the purpose of electing a keeper of the penitentiary.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 22, 1865.

NUMBER XLVIII.

JOINT RESOLUTION of thanks to Major General Stoneman.

Resolved by the general assembly of the State of Tennessee, That the thanks of the loyal people of the State are due to Major General George Stoneman for the great skill and energy with which he conducted his two great raids into Virginia and North Carolina, by which he destroyed millions of dollars' worth of the enemy's means of warfare, capturing many of their forces, and effectually crippling them in their operations, and that he has our thanks for the ability and success with which he has conducted military operations in East Tennessee, and that he be furnished with a copy of this resolution, officially signed.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 22, 1865.

NUMBER XLIX.

JOINT RESOLUTION requesting information from the bondholders of Tennessee bonds.

Whereas, in order to provide for the payment of the State debt when due and payable, and for the interest on the same now due, it is desired to know the amounts of State bonds outstanding, the numbers, dates, and names of holders:

Resolved by the general assembly of the State of Tennessee, That the comptroller give public notice in one of the public prints of the cities of Nashville, Tennessee; Cincinnati, Ohio; Philadelphia, Pennsylvania; New York, and Boston Massachusetts, requesting each bondholder of the State bonds of the State of Tennessee to transmit to said comptroller, at his office at Nashville, a statement of his name, residence, the date and number of each bond, and the amount and character of said bond; and that he make report thereof to this general assembly at its next session.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 22, 1865.

NUMBER L.

JOINT RESOLUTION directory to the attorney general of the State.

Resolved by the general assembly of the State of Tennessee, That the attorney general of the State of Tennessee be, and he hereby is, directed to institute inquiry into and investigate the title to the property situated in the city of Nashville, fronting on College and Cherry streets in South Nashville, known as the Gun Factory, and recently used as hospital No. 1; and if the title is in the State of Tennessee, the said attorney general defend, on behalf of the State, the suit now pending in the United States court to libel and confiscate said property, and secure, if the same may be done, said property for the State.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 22, 1865.

NUMBER LI.

JOINT RESOLUTION taking charge of the assets of the Bank of Tennessee.

Resolved by the general assembly of the State of Tennessee, That the governor, the secretary of state, and comptroller be, and they are, directed to take charge of the assets of the Bank of Tennessee, and the archives of the State, and receipt for the same.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted May 29, 1865.

NUMBER LII.

A JOINT RESOLUTION providing for the number of acts and journals of the legislature of 1865 to be printed for distribution.

SECTION 1. *Be it resolved by the general assembly of the State of Tennessee*, That there shall be printed of the acts of the present session of the legislature, for distribution among the several counties in the State, as follows: For every justice of the peace, one copy; for each sheriff, one copy; for each circuit court clerk, one copy; for each county court clerk, one copy; for each chancery court clerk, one copy; for each county trustee, county register, coroner, ranger, entry-taker, surveyor, and poor-house commissioner, one copy; for the use of the trustees of academies in each county, one copy of the acts and journals; for each of the clerks and doorkeepers of the house and senate, one copy.

SEC. 2. *Be it further resolved*, That there shall also be printed, for distribution as aforesaid, one copy of the journals of each branch of the legislature for each civil district in each county in this State, to wit:

Counties.	No. of acts.	No. of S. J.	No. of H. J.	Counties.	No. of acts.	No. of S. J.	No. of H. J.
Anderson	34	12	12	Macon	35	12	12
Bledsoe	39	14	14	McNairy	43	16	16
Blount	45	17	17	Madison	47	18	18
Bradley	37	13	13	Overton	41	14	14
Bedford	50	19	19	Obion	37	13	13
Benton	31	10	10	Polk	31	10	10
Campbell	39	14	14	Putnam	43	16	16
Carter	33	11	11	Perry	33	11	11
Claiborne	35	12	12	Rhea	32	10	10
Coke	35	12	12	Roane	46	16	16
Cannon	35	12	12	Robertson	45	17	17
Cumberland	30	10	10	Rutherford	61	25	25
Cheatham	35	12	12	Stewart	35	12	12
Coffee	38	13	13	Sumner	50	19	19
Carroll	51	19	19	Sevier	35	12	12
Davidson	68	24	24	Scott	35	12	12
DeKalb	43	16	16	Sullivan	47	18	18
Dyer	39	14	14	Sequatchie	27	8	8
Decatur	33	11	11	Smith	55	22	22
Dickson	35	12	12	Shelby	40	14	14
Hancock	39	14	14	Tipton	37	13	13
Hawkins	46	17	17	Union	30	12	12
Hamilton	49	18	18	Van Buren	31	10	10
Hardin	39	14	14	Wilson	65	25	25
Hickman	44	15	15	Warren	43	16	16
Humphreys	35	12	12	Wayne	47	17	17
Hardeman	45	17	17	White	37	13	13
Henderson	54	21	21	Williamson	59	24	24
Henry	51	20	20	Washington	47	18	18
Haywood	45	17	17	Weakley	48	18	18
Jefferson	45	16	16	Franklin	44	16	16
Johnson	31	10	10	Fentress	35	12	12
Jackson	48	18	18	Fayette	43	15	15
Knox	52	19	19	Grainger	43	16	16
McMinn	46	17	17	Green	63	25	25
Meigs	27	8	8	Grundy	31	10	10
Marion	37	13	13	Gibson	56	21	21
Monroe	51	20	20	Giles	55	20	20
Morgan	35	12	12	Lawrence	42	15	15
Maury	64	25	25	Lewis	39	11	11
Montgomery	51	24	24	Lincoln	65	25	25
Marshall	42	15	15	Lauderdale	32	10	10

SEC. 3. *Be it further resolved*, That there shall also be printed and bound for each member of the senate and house of representatives one copy of the acts and one copy of the journals, both of the house of representatives and the senate; for the office of the secretary of state, two hundred copies of the acts and fifty bound copies of the journal of each house; for each department of the government of the United States and for the United States library, one copy of the acts; for each judge of the supreme court, for each judge of the circuit court, for each judge of the criminal court, for each chancellor, for each county judge in the State, for each judge of the criminal and common law court in this State, one copy of the acts; for each of the supreme and criminal court clerks, one copy of the acts; for each attorney general, one copy of the acts; for the treasurer and comptroller, one copy of the acts; and for each State and Territory and the District of Columbia, two copies of the acts.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS

Speaker of the Senate

Adopted May 29, 1865.

NUMBER LIII.

A JOINT RESOLUTION in relation to a certain class of Tennessee Union soldiers who lost their lives in the army of the Union during the rebellion.

Whereas a large number of Tennessee soldiers have died and been killed in battle while serving the United States against a hostile rebel foe, without having been duly mustered into service, and there being great deficiency in the records of the State pertaining thereto: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That the adjutant general of the State be, and he is hereby authorized to perfect—in a well-bound book to be kept for that purpose—a complete record of all Tennessee soldiers who have belonged to the United States service during the present rebellion, with such historical remarks as will enable them or their families to obtain such bounty, arrears of pay, &c., as may be due them, and that he be allowed such compensation for his services as may be determined by subsequent legislation.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted May 29, 1865.

NUMBER LIV.

JOINT RESOLUTION directory to the trustees of the Tennessee hospital for the insane.

Whereas William A. Cheatham, M. D., late superintendent and physician of Tennessee hospital for the insane, has been called upon, by a resolution of the Senate, to communicate a detailed statement of the financial operations of that institution from the first day of October, 1861, to the 31st day of July, 1862, during which period there is no report known to this general assembly of the institution, and there being other reasons why there should be an investigation of its affairs, and the late superintendent and physician having failed or refused to notice the resolution referred to above: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That the board of trustees are hereby instructed to investigate the books and accounts and management of Tennessee hospital for the insane, during the administration of William A. Cheatham, late superintendent and physician, and power is hereby given to send for persons and papers, and report the result to the next session of this legislature.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

SAMUEL R. RODGERS,

Speaker of the Senate.

Adopted June 2, 1865.

NUMBER LV

JOINT RESOLUTION appointing a committee to wait on the major general commanding the department, and make inquiries in relation to certain assessments.

Whereas it appears from the orders issued by the various military commanders of the United States, at different places in this State, that they are levying on persons who are permitted to trade under privileges granted to them by the authorities of the United States,

and of the State of Tennessee, and collecting considerable sums of money; and whereas it is desirable to know whether such action is in accordance with the wishes of the general commanding the department: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That a committee of three on the part of the house, and two on the part of the senate, be appointed to call on the major general commanding the department, and ascertain whether such assessments are made under and by virtue of his orders, and if so, what action, if any, is necessary to be had in the premises.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 3, 1865.

NUMBER LVI.

A JOINT RESOLUTION appointing a committee to settle with Hon. Joseph S. Fowler, late comptroller and acting treasurer of the State.

Be it resolved by the general assembly of the State of Tennessee, That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to settle with the Hon. Joseph S. Fowler, late comptroller and acting treasurer of the State.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 5, 1865.

NUMBER LVII.

JOINT RESOLUTION directory to the secretary of state.

Resolved by the general assembly of the State of Tennessee, That the secretary of state is hereby authorized to furnish the clerks of the courts of record of this State the Code of Tennessee, and the acts of the general assembly of the State, in all the counties where the books of said officers have been destroyed.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 6, 1865.

NUMBER LVIII.

JOINT RESOLUTION requesting the governor to employ an attorney-at-law.

Be it resolved by the general assembly of the State of Tennessee, That the governor be, and is hereby, requested to employ an attorney-at-law for and in behalf of the State, to prosecute and defend all suits now pending in the circuit court of Davidson county, now in session, in the name of or against the Bank of Tennessee, and to be allowed such compensation as the governor may think reasonable.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 6, 1865.

NUMBER LIX.

JOINT RESOLUTION directory to the comptroller.

Be it resolved by the general assembly of the State of Tennessee, That the comptroller be, and is hereby, instructed to prepare and have printed a circular containing all the subjects of taxation, together with the rates of taxation, and forward two copies of the same to the clerks of the various county courts of this State, and that the same be done immediately.

Be it further resolved, That the secretary of state be and is hereby instructed to have published in one newspaper published in the city of Nashville, the Chattanooga Gazette, Knoxville Whig, Flag of the Union, and the Memphis Argus, the revenue bill passed by the legislature at its present session, for four successive weeks.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 7, 1865.

NUMBER LX.

JOINT RESOLUTION directory to the keeper of the penitentiary.

Whereas there are now confined in the penitentiary many convicts who have acquired no trades, owing to the difficulties of procuring material for them to work up, and that they are unemployed, because the inspectors and keepers have no power to employ them beyond the prison walls unless authorized to do so: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That the inspectors and keepers of the penitentiary are hereby authorized and empowered, whenever they may deem it advisable to do so, to employ the convicts in such work about the capitol, or otherwise outside of the prison walls, as may be by them deemed advisable, looking to the safety of the convicts and the best interests of the State.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 9, 1865.

NUMBER LXI.

JOINT RESOLUTION postponing the business before the general assembly.

Whereas the present session of the legislature of Tennessee has been continued and protracted beyond our desire or expectation, from the necessity of circumstances and the welfare of the State; and

Whereas the business under consideration is of minor importance, and does not absolutely demand our immediate attention: Therefore,

Resolved by the general assembly of the State of Tennessee, That all business which may be before the respective houses on the 10th inst., at 12 o'clock m., will be postponed until the October session, and that the general assembly of the State of Tennessee adjourn on Monday, the 12th of June, 1865, to meet the first Monday in October, 1865.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 10, 1865.

NUMBER LXII.

JOINT RESOLUTION to have published in certain newspapers an act to limit the elective franchise.

Resolved by the general assembly of the State of Tennessee, That the act to limit the elective franchise be published once a week from June 12 until the 6th day of August next, in the following papers, to wit: Jonesborough Union Flag, Knoxville Whig, Chattanooga Gazette, Press and Times, Nashville Union, Nashville Dispatch, Memphis Argus, the paper published at Kingston, and the paper published at Greenville, and also any German paper published in Nashville, and in one German paper at Memphis.

Be it further resolved, That the comptroller issue his warrant to pay for the same.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 12, 1865.

NUMBER LXIII.

JOINT RESOLUTION of thanks to Brevet Brigadier General J. L. Donaldson, chief quartermaster, department of the Cumberland, and Captain Hunter Brooke, provost marshal.

Resolved by the general assembly of the State of Tennessee, That the thanks of this general assembly are most heartily and cordially tendered to Brigadier General J. L. Donaldson, chief quartermaster of the department of the Cumberland, for his kindness in furnishing a special car for the accommodation of the members, and for renewing their transportation over military railroads.

Resolved, That the thanks of this general assembly are due, and are hereby tendered, to Captain Hunter Brooke, post provost marshal, for his uniform courtesy and kindness to the members of this general assembly.

Resolved, That a copy of these resolutions be furnished General Donaldson and Captain Brooke by the secretary of state.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 12, 1865.

NUMBER LXIV.

JOINT RESOLUTION congratulatory at the appointment of Major General Thomas to this military division.

Whereas the pleasing intelligence has reached us that the distinguished soldier and commander, Major General G. H. Thomas, has been assigned to this military division:

Resolved by the general assembly of the State of Tennessee, That we do most heartily congratulate our citizens upon the appointment of this model soldier, possessing as we do the most unbounded confidence in his ability and judgment, and believing that under his rule early peace and quiet and Unionism will prevail in every section of our State.

Resolved, further, That we tender to the President and War Department our special thanks for their assignment of General Thomas over this military division, and with his consent we propose to adopt him as a Tennessean, General Thomas having endeared himself to us both by distinguished services and by many acts of noble and unostentatious kindness.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Adopted June 12, 1865.

[The following act of assembly was mislaid in the house and not deposited in the office of the secretary of state until the other acts were printed. It has been collated and found correctly printed.

A. J. FLETCHER, *Secretary of State.*]

CHAPTER XXXVIII.

AN ACT to change the times of holding the county court of Knox county for the trial of misdemeanors.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee,* That from and after the next August term of the county court of Knox county, for the trial of misdemeanors, the said court shall be regularly opened and held on the second Mondays of April, August and December of each year, and succeeding days if necessary, instead of on the first Monday of said months, as heretofore; but the regular county court for the transaction of county business shall be held on the first Monday of each month as heretofore.

SECTION 2. *And be it further enacted,* That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL R. RODGERS,
Speaker of the Senate.

Passed May 16, 1865.

STATE OF TENNESSEE, OFFICE OF THE SECRETARY OF STATE,
Nashville, July 25, 1865.

I, ANDREW J. FLETCHER, secretary of state of the State of Tennessee, hereby certify that I have carefully collated the foregoing documents, with authentic copies on file in my office, and find them correctly printed.

A. J. FLETCHER, *Secretary of State.*

NASHVILLE, TENN., *January 9, 1866.*

At a meeting of the Union Central and German Union Central Committees of the State of Tennessee and the Union members of the Tennessee legislature the following memorial was unanimously approved and adopted.

A. LOVERING,

Chairman pro tem. of Central Committee.

EDWARD MAYNARD,

Secretary of Union Central Committee.

NASHVILLE, TENN., *January 9, 1866.*

To the honorable Congressional Committee on Reconstruction :

The undersigned, constituting a large majority of the State Central Committee of the Union party of Tennessee, being all who could be present, beg leave to communicate to you their views of the present political and social condition of this State, and their anticipations as to future results from that condition.

The vast powers conferred upon you, so vitally affecting ourselves and our posterity, we feel to be a sufficient warrant for this liberty on our part.

Our statistics show that, in the spring of 1861, about 40,000 of the voters of Tennessee made up their minds to adhere to the flag of their country in spite of the tornado of treason that swept the State and carried it into the vortex of rebellion. They constituted less than one-third of the voting population of the State, and far less of its wealth and political influence. Surrounded on all sides by rebel population; suffering every conceivable outrage in person and property; hanged on the gallows; shot by an infuriate soldiery; cast into many prisons; mercilessly conscripted, and hunted like wild beasts and murdered in our places of concealment, our numbers have been reduced, but the survivors of us have kept the vows made upon the altar of patriotism five years ago. More than twenty-five thousand of our number, leaving their homes and families to be pillaged and abused, travelling through mountains or swamps by night and hiding in thickets by day to evade a pursuing and murderous enemy, escaped to the federal lines, and, without bounty or other inducement, enrolled themselves as Union soldiers. They have returned to their homes from a gallant and bloody service to find, in many instances, their houses in ashes, their property gone, and their families abused, insulted, and outraged. And, it must be added, that in many instances these victorious heroes of the national cause are not permitted to remain at their homes in peace, or, if permitted, they are crippled in business and politically and socially outlawed.

The *designs* of the great secession majority of Tennessee may have been changed by the events of the war, and so may have been their opinions of their own strength and of the strength of the government, but, unless your memorialists greatly misunderstand them, their sentiments, sympathies, and passions remain unchanged. They welcome peace because they are disabled from making war; they submit because they can no longer resist; they accept results they cannot reject, and profess loyalty because they have a halter around their necks. They *recognize* the abolition of slavery because they see it before them as a fact; but they say it was accomplished by gross violations of the Constitution, that the negro is free only in fact, but not in law or of right.

Less than a year ago the provisional governor, representing the military power of the President, and recognizing the right of the loyal people to govern the State, set on foot a civil government, founded upon the basis of the loyal population—his favorite policy. The plan of a popular convention and a submission to a vote of the loyal people was adopted, and the former constitution and laws were restored without the institution of slavery. Whether we regard it as our

former State government restored, or as a new government given to us by the power of the nation, is immaterial, as it has been compelled at every step to lean upon the strong arm of the national authority for support. The action of the convention was submitted to the vote of the *loyal* people, and, by means of the strong will of the military governor and a rigid test oath, and because the election was not recognized by the disloyal, it was nearly unanimously adopted, receiving over 20,000 votes, many of the Union men being within the rebel lines at the time.

Under the government thus adopted, and by means of the same test oath, a governor and legislature were elected by general ticket on the 3d of March last. The legislature assembled in April, and proceeded to inaugurate the governor elect and to elect State officers, to establish a revenue, to provide for the election of members to Congress, and to legislate in general matters. Under authority conferred upon him, the new governor appointed a judiciary *pro tempore*, and reorganized the entire State by *appointments*. But one general election has been held, and that only for members of Congress, with what result will appear hereafter.

The convention of February, foreseeing the impossibility of carrying out the principle upon which they were acting, by keeping the political power of the State in loyal hands, if all those who had by acts of treason forfeited their right to participate in the State government, provided for a formal disfranchisement by conferring upon the first legislature the power to limit the elective franchise.

So far the legislation on this subject has been unsatisfactory and ineffectual. Indeed, many of the members are utterly unequal to the task, and, yielding to the influence and dreading the power of numbers, shrink from its performance. A suffrage law was passed at the spring session, the result of compromise, and doubtful in its terms, easily evaded, and practically defective. By means of repeated proclamations by the governor, telegraphic orders from the President, and the aid of the military, a partial execution only of the law was obtained. So defective was the execution of the law by the officers to whom it was intrusted, that the governor was constrained to declare the August election totally void in twenty-nine counties of the State. An attempt will be made at the present session to pass an amended suffrage law, but it is doubtful whether any effectual disfranchisement can pass, and still more doubtful whether, if passed, it can be executed even with the presence of the military. Certainly, such a law cannot be executed if the supervising power of the general government should be discontinued.

In short, your memorialists anticipate that, at the first general election, the entire civil and judicial power of the State must pass into the hands of those who have so long oppressed them, and made actual war upon them. The judicial election, which is the most important of all, must soon occur.

By a careful consideration of the passions, prejudices, and designs of those lately in rebellion, a correct idea of the course they will pursue, when once more installed into power, may be arrived at. Your memorialists are not driven to consult tourists nor correspondence for information. They are all citizens of the State; some of them are natives, and from official position are in daily intercourse or communication with all parts of the State, and with citizens of all parties and classes. They claim to speak not from hearsay or report, but *as witnesses admissible in court*.

The predominant feeling of those lately in rebellion is that of deep-seated hatred, amounting in many cases to a spirit of revenge towards the white Unionists of the State, and a haughty contempt for the negro, whom they cannot treat as a freeman. The hatred for the white loyalist is intensified by the accusation that he deserted the south in her extremity, and is, therefore, a traitor, and by the setting up a government of the minority. The spirit of revenge is called forth by the attempt to disfranchise them, and by the retaliatory acts of the

returned Union soldiers for wrongs done them during the war. The negro is the Mordecai who constantly reminds them of their defeat, and of what they call a "just, but lost cause." And the sight of him in the enjoyment of freedom is a constant source of irritation.

The tourist would not be apt to detect the true state of the southern temper. Even the resident observer has to look beneath the surface of insincere protestations of loyalty. True, the traveller or visitor might observe a large number of daily rebel newspapers well sustained, while a single loyal paper is sustained with difficulty. He might discover that the rebel merchant or lawyer is full of business and growing rich, while the loyalist either fails, or is driven to pander and dissimulate. And he may find that the rebel chaplain preaches to overflowing houses, while the loyal minister is in truth a missionary in an unfriendly country. But he will hardly go into the social circle to learn that the Union man is not admitted into *society*, or into private families, to find that hatred of the Yankee and contempt for the government are inculcated by rebel ministers and teachers; nor will he visit the township election to learn that the bushwhacker and guerilla can defeat the most respectable Union man for constable or justice of the peace; or to the courts, to learn that the despised "Lincolnite" fails to get justice at the hands of a rebel jury, and that the putting of a negro on trial is equivalent to his conviction and sentence to the maximum penalty of the law. Yet these and many other manifestations betray to the resident observer the malignant temper of the majority of our people.

A party exists in the State, which is every day becoming more and more compact and powerful, which sympathizes with the men and principles of the rebellion. It commands every agency to operate upon public opinion. It has five well-sustained and ably-edited daily papers in Memphis, four in Nashville, one in Knoxville, and a weekly in each of the important villages. Their pardoned but talented and still popular leaders are with them. Hundreds of rebel ministers who glory in having led off in the rebellion, and who have been throughout the war the bloodiest-minded men in the south, are still in the confidence of their people. All these appliances acting in harmony mould public sentiment as they please, and command a party of over two-thirds of the white men of the State. Free from restrictions upon suffrage, they will probably cast 90,000 votes in the State.

It is a sad delusion and a dangerous mistake to suppose that this hatred of loyalty, contempt for the negro, and alienation from the government, are confined to the politicians, or leaders as they are termed, and that the common people have been all the time loyal. It is certainly true that a portion of the southern people went into the rebellion reluctantly, and that a few were actually forced into it. But it is equally true that nine-tenths of those who went in reluctantly came out the bitterest of rebels. The process of firing the southern heart and educating the southern mind for treason had been progressing for many years, and had reached all classes. Long before the war the common laborer had learned to curse the Yankees and abolitionists, and to talk about negro equality and his rights in the Territories. Filled with murderous hate, they have fought four years against their country. They have denounced and heard it denounced with every breath. They have suffered cold, hunger, and wounds in an effort to destroy it. They have slain its defenders, and seen their comrades fall in the same cause. The laws of human nature forbid the idea that they love their country. Indeed, it may well be doubted whether the capacity for patriotism is not extinguished in many of them.

Your memorialists regret to say that *as yet* the loyalists of East Tennessee, brave and noble as they are, have not kept pace with the spirit of the nation in extending civil rights to the negro, and consequently there exists a want of harmony among ourselves; but they do not doubt that that patriotic but rural people will soon take a position worthy their fame. But in any event, all legis-

lation looking to the elevation of the freedman in a moral, civil, or political point of view must come from Congress, and not from the State legislature. It may be that the present body may pass some favorable laws—probably they will; but it is easy to see they will be swept away by the next general assembly.

Supposing the supervising power of the general government to be withdrawn from Tennessee, and assuming that to some extent at least the passions, prejudices, and resentments of the majority of the people will be reflected in their legislation, it is not difficult to anticipate her State policy and the character of her civil and judicial administration. It may be safely assumed—

1. That so far as possible in legislation, the bestowal of patronage, and the management of all public affairs, the late rebels will be the preferred class; and that all the acts of the rebel State government, including the removal and the destruction of the State banks and State treasury, the disarming and conscripting the people, and the impressment of their property, and all the acts of rebel officers, soldiers and guerillas, will be legalized. Those who have been robbed, wounded, and imprisoned will go unredressed, while those who have inflicted those injuries will be justified in law, as they now are in public sentiment.

2. As is even now the case in many localities, services rendered and wounds received in the confederate cause will be passports to preferment, while to have taken sides with the cause of the Union will be equal to a judgment of infamy, forever consigning the offender to obscurity and disgrace.

3. If the legislature does not vote thanks and medals to southern heroes, and unite with other southern States to pay the confederate debt, it will be from fear or policy, and not from want of sympathy or desire.

4. As far as possible, restrictions will be thrown around the freedom of the negro, and his elevation in the scale of being discountenanced, if not actually prohibited. He will be excluded from the courts, from common schools, and probably from all means of education, from business and privileged occupations, and, perhaps, from the acquisition of property.

Such, we apprehend, will be some of the results of well known laws of the public mind. And it requires but little speculation to anticipate still further and more ulterior results. It is very questionable whether East Tennessee will submit to a rebel government. Her people will not tamely succumb to those who have pursued them like bloodhounds for four years. If she does not resist by force, she will refuse her revenues, and scorn to send her representatives to take seats in a legislature composed of rebel officers and guerilla leaders. Union men will feel that they have lost and the rebels won, and that their martyrs have fallen in vain. Even now, in many localities they are crushed by the power of numbers, and actually afraid to speak like freemen.

Loyal emigrants will turn aside to more congenial parts, and the south will be left to herself, to resume her former rate of progress.

The negro will be forced to seek an asylum in other lands, or perhaps he will become a declining race, relapse into barbarism and disappear from the face of the earth; an effect confidently predicted, and, in fact, hoped for by secessionists.

Your memorialists do not presume to point out the means of preventing the direful results they have attempted to foreshadow. They simply ask protection. They pray that the government will not forsake them by withdrawing its direct agency in our affairs, thereby delivering them over to their tormentors.

Your memorialists will say, however, that they desire to be represented in Congress. The loyal people of Tennessee have not forfeited their civil rights by the misfortune of being surrounded by rebels. And if difficulties should occur hereafter, as is to be feared, in that event they desire to have a voice in the councils of the nation. But if our form of government is such that to

admit our representatives to seats in Congress will compel the withdrawal of the supervising control of the national government over our internal affairs, thereby insuring the ascendancy of the rebel majority, your memorialists prefer, and they are sure the loyal people of the State would prefer, to live in a territorial condition, and even under a military government.

From the rebel yoke they pray to be saved. From such a fate we rely upon the power of the nation to rescue us. In behalf of ourselves, in behalf of the devoted loyalists of the State, of whatever color, and in behalf of our posterity, we appeal to that government we love and have served to save us and them from the power of those who have inflicted upon us every conceivable injury

We are, most respectfully, your obedient servants,

JOHN SCHIMMLER.

FERDINAND KUHN.

A. W. HAWKINS.

A. LOVERING, *Chairman pro tem.*

E. P. CONE.

WILLIAM HEYDT.

A. J. FLETCHER.

N. DERBY.

A. S. THURNECK.

ROBERT WEITMULLER.

GERVAS HAURG.

JULIUS BRIESEN.

R. LEHMANN.

STATE OF TENNESSEE,

Executive Department, Nashville, November 13, 1865.

To all who shall see these presents, greeting:

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify that at a general election, opened and held in said State on the first Thursday in August, A. D. 1865, for the purpose of electing representatives of the State of Tennessee in the 39th Congress of the United States, Horace Maynard, of the county of Knox, was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the second congressional district, composed of the counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane.

And I do therefore commission the said Horace Maynard, representative in Congress as aforesaid, during the term and with all the powers, privileges, and emoluments appertaining.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Tennessee to be affixed, at the department in the city of Nashville, this 13th day of November, 1865.

[SEAL.]

W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

STATE OF TENNESSEE,

Executive Department, Nashville, November 13, 1865.

To all who shall see these presents, greeting:

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify, that at a general election for representatives of the State of Tennessee in

the 39th Congress of the United States, opened and held in said State on the first Thursday of August, A. D. 1865, William B. Stokes, of the county of De Kalb, was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the third congressional district, composed of the counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb and Fentress.

And I do therefore commission the said William B. Stokes, representative in said Congress as aforesaid, during the term and with all the powers, privileges, and emoluments appertaining.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Tennessee to be affixed, at the department [SEAL.] in the city of Nashville, this 13th day of November, 1865.

W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

STATE OF TENNESSEE,

Executive Department, Nashville, November 25, 1865.

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify that at a general election opened and held in the State of Tennessee, on the first Thursday in August, 1865, for representative from said State in the thirty-ninth Congress of the United States, Samuel M. Arnell was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the sixth civil district, composed of the counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State to be affixed, at the department in the city of [SEAL.] Nashville, the 25th day of November, A. D. 1865.

W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

THIRTY-NINTH CONGRESS UNITED STATES,

House of Representatives, Washington, D. C., February 26, 1866.

SIR: I herewith respectfully present the statements of R. Hough, esq., internal revenue tax collector for the Memphis district, and request that it be treated as a part of my statement of a late date in which I alluded to the facts herein more definitely set forth.

I also beg to mention that I learn from George H. Ellery, esq., formerly United States cotton purchasing agent at Memphis, that during seventy-five days the profits to the government, as the 25 per cent. tax on cotton through his office, was in round numbers one million seven hundred and fifty thousand (1,750,000) dollars.

I am, sir, with much respect, your obedient servant, &c.,

JOHN W. LEFTWICH,

Member of Congress Elect, 5th district Tennessee.

Hon. Senator GRIMES, *of the Reconstruction Committee.*

Statement of assessments and collections in the first district, State of Tennessee, from October 19, 1863, to January 1, 1866.

Date.	Monthly assessments.	Annual lists.	Collections.
October, 1863.....	\$28,178 87	\$20,135 62	\$16,070 35
November, 1863.....	33,269 88	32,429 71	32,279 92
December, 1863.....	25,560 81	68,966 46	31,525 14
January, 1864.....	21,476 28	180,631 71	34,870 42
February, 1864.....	42,232 75	.....	47,894 28
March, 1864.....	111,317 27	.....	119,796 51
April, 1864.....	109,483 46	.....	120,253 99
May, 1864.....	120,971 06	.....	124,146 96
June, 1864.....	23,059 25	.....	25,939 83
July, 1864.....	24,419 65	.....	33,154 02
August, 1864.....	14,309 78	.....	32,770 61
September, 1864.....	8,913 78	.....	30,922 11
October, 1864.....	108,889 93	.....	39,063 09
November, 1864.....	88,916 87	.....	146,307 97
December, 1864.....	36,279 81	.....	49,902 48
January, 1865.....	80,466 80	.....	92,940 82
February, 1865.....	94,405 58	.....	92,277 24
March, 1865.....	126,861 55	.....	124,867 98
April, 1865.....	49,339 72	.....	53,964 25
May, 1865.....	143,256 37	.....	182,077 78
June, 1865.....	106,143 43	.....	110,929 26
July, 1865.....	128,674 25	.....	173,150 07
August, 1865.....	177,406 11	.....	193,313 92
September, 1865.....	191,660 39	.....	207,896 41
October, 1865.....	283,238 48	.....	306,443 25
November, 1865.....	185,832 38	.....	188,186 82
December, 1865.....	245,105 05	.....	226,772 33
Total.....	2,603,669 56	302,163 50	2,842,747 81

R. HOUGH, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIRST DISTRICT, STATE OF TENNESSEE,
Memphis, Tennessee, January 30, 1866.

MY DEAR SIR: In consequence of the constant press of business in my office, I have procrastinated the delivery of the enclosed statement until this late day, for no other reason than that so much was on hand to be done that I did not like to set clerks at anything that was not strictly office-work. My only regret now is that I cannot give you so elaborate a statement of facts connected with the collection of over three millions of revenue (adding the stamp-sales to the enclosed) as I would wish, for want of time. You will recollect that our city was captured by the federal fleet on the 6th of June, 1862, previous to which large drafts were made on its inhabitants by the rebel leaders for the support of their army. When the federal flag was hoisted here it floated over a city of less than thirty thousand people, with no commerce, limited resources, and no trade from river or country. The government collected the larger portion of the rents during 1862 and 1863; besides, heavy taxes were paid on the demands of military commanders, and all shipments to and from the city were taxed by the Secretary of the Treasury; so that I think I am safe in saying that the internal revenue collected per the enclosed statement does not amount to more than one-third of the taxes paid by our people. The assessor commenced his labors some time in June, 1863, but he dated his assessments back to September, 1862,

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I commenced collection about the 1st of November, 1863, at which time I had two annuals to collect for 1862 and 1863, and before these were closed up the annual for 1864 had been assessed and the special five per cent. tax on the incomes of 1863. You will remember that the civil courts were suspended during this time, and, in fact, have but recently been fully re-established, and this was the only office that did not exist by and depend on military sufferance and rule; yet I think I am safe in saying that our people have paid their revenues to the government collector as promptly and apparently as cheerfully as in any portion of the United States. I have never been obliged to levy upon any man's effects to secure his revenue due to the government, and though personally an austere man, I think the tax-collector is as much in the favor of the people at large as it is possible for any man to be in like circumstances anywhere in the land. I do not intend to convey the idea that the collector possesses qualities to make him popular notwithstanding his office, but that the people in this district, so far as they have been reached, respond as cheerfully to the demands of the government as they do in any State in the Union. A Boston merchant of some note lately said to me, "Tell me how your people pay their taxes, and I will myself judge of their loyalty." By this rule, I am inclined to the opinion that we should vie with Boston herself; but being a Bostonian originally, I don't like to make any comparisons.

Trusting that the enclosed will be of service to you, I am, very respectfully, your obedient servant,

R. HOUGH, *Collector.*

Hon. JOHN W. LEFTWICH, *Washington, D. C.*

WASHINGTON, *January 26, 1866.*

GENTLEMEN: In answer to your inquiries, I have the honor to state:

I. That the loyal people of the State of Tennessee assembled in convention at Nashville on the 8th day of January, 1866, and proceeded to organize the government of the State. They adopted an amendment to the constitution abolishing slavery forever in the State. They adopted a schedule to the constitution, in which—

1. They repudiated the rebel debt contracted to carry on the war.

2. They declared the ordinance of secession void *ab initio*, and all the legislative acts passed by the legislature at its different sessions from the 6th of May, 1861, inoperative and void.

3. They provided that all the acts of Andrew Johnson as military governor, together with his appointments to office, valid and binding.

4. They provided for the election of a general assembly to be held on the 4th of March, 1865, as well as for the election of a governor.

5. They declared that the amendments so proposed should be submitted to the people for ratification or rejection on the 22d day of February, 1865.

II. On the 22d day of February, 1865, the amendment and schedule were submitted to the people, and adopted almost unanimously.

III. On the 4th day of March, 1865, the governor, William G. Brownlow, was elected, and the members of the legislature, gentlemen who for "unconditional Unionism" will compare favorably with the same number of gentlemen selected from any State in the Union.

IV. On the 3d day of April, 1865, the legislature met at Nashville, and in a few days thereafter the governor was inaugurated, and that civil government for the State has been in successful and peaceable operation ever since.

V. One of the first acts passed by the legislature was one ratifying the amendment to the Constitution of the United States abolishing slavery. It passed unanimously.

VI. The legislature enacted a franchise law, disfranchising all rebels for the space of five years who had not participated in either one of the last elections, and by which a large number of the qualified voters were prohibited, because of their treason, from participation in the subsequent elections.

VII. The legislature provided for the congressional elections by dividing the State into eight congressional districts, and by electing two senators. Since that time the civil government of the State, under its present loyal organization, has been in uninterrupted and successful operation all over the State. No obstacles have been put in the way. I have in my possession, and which I will produce for the inspection of the committee, if desired, printed copies of the proceedings of the convention of January 8, 1865, as well as the acts and resolutions of the April session of the general assembly.

VIII. The election for Congress was held on the first Thursday in August, 1865, the regular day, and everything passed off harmoniously and quietly. This result was extremely gratifying to the loyal men of the State. The members elected are known to have been loyal to the government, and have all complied with the law of the land.

IX. I can say fearlessly, from an intimate personal acquaintance with the people of the fourth congressional district, composed of the counties of Rutherford, Cannon, Coffey, Franklin, Lincoln, Giles, Marshal, and Bedford, and which I have the honor to *claim* to represent, and where there are no federal soldiers, and have not been any, except in Rutherford county, since the 1st of July, 1865, that peace and quiet and complete obedience to law prevail. No difficulties of any kind; law and order are everywhere observed. The United States assessors and collectors visit every part of the district unguarded and alone; are promptly paid and kindly treated. The United States marshal needs no military force to enable him to do his duty. The white men and the freedmen live harmoniously together. Contracts are made between them, libera', just, and satisfactory, and are faithfully performed by both parties. No complaints are being made. All recognize the government of the United States as the supreme law of the land. They most earnestly desire to be once more fully restored to the benefits of its protection, so that they can once more feel that they are American citizens.

I fully believe that the United States troops might be withdrawn any day, and the present State government would be protected and guarded until the expiration of its term without molestation or danger. It seems to me that the people feel the necessity of peace and law and order, and they intend to have it.

The legislature has passed all laws necessary for the protection of the freedmen, and there is but one single case in which the punishment of the white man differs from that of the freedman, and that is in the case of rape, or assault with intent to commit rape, on the person of a white woman.

The recognition of the present State government by the Congress of the United States, the admission of its senators and representatives, in the full restoration of the State to an equality with the other States in the government, will give confidence and happiness to those citizens of the State who, through all the horrors of this cruel and unjust rebellion, have maintained their integrity to the national flag, and who loved their country too well to betray it into the hands of traitors.

If Congress will recognize us as worthy of being admitted to our seats in the Senate and House of Representatives, thus giving to us the moral weight of their action, we can, without doubt, preserve and protect the loyal people of the State. If, on the contrary, we are treated as if we were rebels, as if we had sinned, when we have not, then, of course, our influence is gone, and we can no longer hope to be able to control the political destinies of the State.

Respectfully,

— COOPER.

WASHINGTON, January 29, 1866.

To the honorable gentlemen of the "Reconstruction Committee:"

GENTLEMEN: In compliance with suggestions from the Hon. Senator Grimes, I respectfully submit these my opinions, with the reasons therefor, in relation to the loyalty and present feelings of the people whom I have the honor to represent.

Since the first occupation of Memphis by the national forces, in June, 1862, no spirit of discontent or insubordination has ever manifested itself; and though we have, *in addition to the usual taxes*, been compelled most of the time to pay from three to five per cent. tax on all merchandise shipped to Memphis, and twenty-five per cent. and four cents per pound on all cotton shipped from Memphis, and two dollars per bale military tax, and other military taxes *ad infinitum*—amounting, in the aggregate, to millions of dollars—it has been promptly paid without complaint.

Our "internal revenue tax collector" now proudly asserts that his collections have been made with a promptness above the average of northern cities, and that the disgraceful attempts to defraud the government, so prevalent elsewhere, are comparatively unknown in Memphis.

When our army was needed actively on other fields, and that portion remaining at Memphis was inadequate to protect the immense army stores there collected, our entire able-bodied male population, amounting to many thousands, was organized, armed, and equipped for active militia duty; many having to remain on duty all the time, and all compelled to suspend business for the purpose of drilling from one to two days in each week; and such was their conduct on several occasions of threatened attack, as to call forth the congratulatory orders of the commanding generals, to one of whom, the "Hon. R. P. Buckland," I respectfully refer.

We also furnished our quota in the last draft.

The crops of 1863, '64, and '65, in "West Tennessee," were not cultivated by involuntary servitude, but by compensated labor; and the result of the three years' experience is, that our colored population have learned the important lesson that a good and trusty laborer will command better wages than a bad one; and our white population, who own the land, have learned the equally important lesson that he who pays wages promptly, and fairly, and otherwise honestly redeems his obligations to the employé, will surely procure the best and most reliable laborers.

The prejudice that did at one time exist against the negroes as freedmen remaining in our State has been most effectually dispelled by a remembrance of their good qualities during the war; and, by self-interest, the most potent of all arguments, reminding us that the profitable cultivation of our rich and productive lands requires twice the number of laborers now there.

In view of this desire to retain these laborers in our State, I *believe* there is no disposition on the part of our citizens to impose illiberal terms on those they employ; and I *know* they have not the ability to do so, as the demand for labor is so much in excess of the supply as to give all the advantage to the employé.

The only relic of slavery now seen in our midst is the frequent practice, by agents of the "Freedmen's Bureau," (generally understood to be for a consideration,) of compelling negroes to make unwilling contracts with parties with whom they do not desire to live.

I am fully persuaded that, if left to a vote of the former slave-owners of my district, they would now vote by a large majority against assuming the moral responsibility of re-enslaving the negroes.

I am sure that the colored laborers of this district will make more money this year than any equal number of white laborers in States north of the cotton producing region.

During my contest for my present position I travelled on horseback, alone much of the time, through the entire district; and though my Union sentiments, already notorious, were plainly and boldly proclaimed day after day, I did not hear a rude or impolite expression, though the country was full of returned rebel soldiers, who might be expected to have been smarting under a "franchise law" that was odious even to Union men.

I had four opponents, each trying to prove himself a better Union man than the rest, and all surpassing me in political ability, yet I was elected by a handsome majority, only because I was able to show a more consistent Union record than either.

One other opponent issued a circular claiming votes as an original sympathizer with the rebellion, but met such poor encouragement that he withdrew without completing the contest.

During December, hearing many reports in Washington prejudicial to the loyalty and good conduct of my constituents, I determined to take no hearsay, but go home and see for myself if such rumors had any foundation in fact. The result was, I found my people contented, hopeful, industrious, and happy, considering this as their only government, with no willingness to injure it, but an earnest desire to make it better and stronger than ever.

I heard no man of influence oppose allowing the negroes to testify in our courts, and to own and bequeath property, &c.

On the 28th of December two members to the State legislature were elected in Memphis and Shelby county, both of whom favored the above movement, and have since succeeded in making it the law of the State.

To learn the condition of a portion of my district to which I could not go, I wrote to a friend, (an appointee under Governor Brownlow, whom I knew to be loyal and truthful, and possessed of unusual facilities for knowing the real feelings of the people,) telling him of the reports coming to Washington, and asking if such were the facts.

I respectfully annex his reply as part of this statement.

In conversation with the deputy United States marshal, who had been through West Tennessee on official business, of such an unpopular nature as to induce him to have a military escort, he said, "I was met in such a friendly manner and treated with such cordial hospitality, that I was *ashamed* of having an escort, and made it convenient to be away from them most of the time."

I have just received a letter from "J. M. Hill, esq.," to whom every military commander at Memphis has awarded the first position in point of loyalty and reliability, and possessing general information, in which he takes occasion to say, "We need no troops at Memphis; but if the government desires to retain a few here, one company of white regulars would be an abundance."

From personal knowledge in many instances, and reliable information in others, I am able to say that most of the reports coming to Washington against the loyalty and good conduct of Tennesseans come from those who have been defeated for office, or who now hold positions by appointment, and know that their personal unpopularity will prevent them from retaining it when left to the people; and as our county elections ought legally to be held in March, it is the desire of this class to make excusable the filling of these positions by appointment instead of the ballot.

There are, no doubt, occasional local disturbances in our State, (that our civil officers are entirely able to subdue, however,) but these all grow out of old personal animosities engendered during the war, and not arising from any rebellious spirit towards the general government.

These disturbances are much less frequent in my part of the State than elsewhere, owing to the fact that the army maintained uninterrupted control there after its first occupation.

Instead of there existing an animosity against consistent Union men who have

not used their influence to the unfair injury of those who have disagreed with them in politics, they are really the most popular men in the country; as it is through their influence, mainly, that all expect finally to be reinstated in the enjoyment of all their lost privileges and blessings.

It is the opinion of myself, as well as of most of the best informed with whom I have talked, (among them our lamented President Lincoln,) that, notwithstanding so many of our people were subsequently, by various influences, forced into the rebellion, the election in Tennessee in February, 1861, was, and is, the true criterion of the loyalty of our State; at which we gave a majority, as I remember, of 65,000 against "separation," (thought to be a more palatable term than "secession,") and nearly that number against even calling a convention to discuss it.

When Mr. Johnson assumed the presidential chair he was more odious to the southern people and more feared by them than any man now in the north; yet he is now by these same people as universally beloved and honored, just in return for evidencing a kind and forgiving spirit.

Like causes produce like results; and it is now in the power of the Congress of the United States to produce in the feelings of the masses of the southern people this same favorable change towards them.

Every kind word uttered here goes as a healing balm to the wounded spirit of our people, and is as welcome as the olive branch brought by the returning dove to the ark.

I have said much more than I intended. The assertions made are susceptible of proof. The opinions expressed are well-matured convictions, based on a thorough acquaintance with the facts from which they are deduced.

I regret that I cannot close without expressing the belief that the treatment our people are now receiving is well calculated to produce that state of feeling now falsely said to exist, though I have no fear of such a result in my immediate district, as such is the desire, and so favorable the opportunity, to mend their ruined fortunes, that they now look with much more interest to the fluctuations of the cotton market than to the proceedings of Congress, believing, correctly, that there is no surer way to obtain the good opinion of others than by industriously attending to their own business.

Hoping that nothing I have said will have an influence to secure my admission to a seat in Congress until my people can be trusted as *I know* they deserve to be,

I have the honor, gentlemen, to remain, very respectfully, your obedient servant,

JOHN W. LEFTWICH,
Eighth District, Tennessee.

The undersigned beg leave, in compliance with the request of the congressional Committee on Reconstruction, to submit the following in relation to the present State government of Tennessee:

1. The government was organized by a convention of the loyal citizens January 8, 1865, ratified by popular vote February 22, 1865; governor and legislature elected March 4, 1865; inducted into office April 3, 1865. So that the government has been in practical operation nearly ten months.

2. When the organization began, the rebel army under Hood had just been defeated and routed before Nashville; the hostile forces were still in the field; guerrillas overran some portions of the State; our Union soldiers were, some of them, in service on the Atlantic seaboard. There was no mail communication; heavy rains had swollen our numerous streams; so that, in many places, the single ballot-box for a whole county was inaccessible, and the vote failed to develop the whole loyal strength. Yet it is believed, and confidently asserted,

that the result met the entire approval of every loyal citizen, and the acquiescence of many who had been disloyal.

3. From the meeting of the legislature, the 3d of April, 1865, and the induction into office of the governor, the government, so organized, has had entire and unresisted control of the whole State, in every department of administration, executive, legislative, and judicial, including the conservation of the public peace. The legislature continued in session until into June; adjourned to the 1st of October; again assembled, and is still in session. The governor and other executive officers have discharged the functions usual to their respective offices. The courts of every grade, up to that of last resort, the supreme court, have held their regular terms all over the State, and have been open for the hearing of all pleas, civil and criminal.

4. The first act of the legislature, by unanimous vote, ratified the recent amendment of the national Constitution in accordance with an amendment of similar import made to the State constitution. The election of senators followed, and legislative provision for the election of members of Congress. A law of franchise was passed, adding one qualification to the elector, additional to the pre-existing loyalty, and providing for the registration of the voters.

5. The election was held at the usual time in August, and persons elected whose loyalty has been unequivocal, and will abide the test of the official oath. The number of votes cast was *sixty-one thousand nine hundred and seventy*, not far from the number usually cast by each of the two parties into which the State was almost equally divided before the war. The governor, deeming it his duty, under the act of Congress of 3d March, 1863, to certify whether the election was regularly held according to the laws of the State, and also to be informed as to the practical working of the late registry laws, instituted an inquiry, and rejected the votes of several of the counties for informality and a failure to comply with the recent law, on the part of officers intrusted with the novel duty of registration.

At this election there was no military force present anywhere at the ballot-box; nor was there, so far as known, the slightest disturbance or disorder. A military force has remained in the State, under Major General Thomas, to support and sustain the civil government. One prominent arrest was made on the charge of sedition and scurrilous libel against the President of the United States; but in general the military has been felt only in the moral effect of its presence as a power which the civil authority might at any time invoke.

6. No general election has since been held in the State. On the first Saturday of March next elections will be held for sheriffs and other county officers in the several counties of the State.

7. The general legislation so far has looked to the restoration of our State credit and the re-establishment of our financial prosperity. A revenue system, (the public debt increased twenty-five per cent. by the accumulation of interest during the war, the rebel debt having been repudiated by the people,) the banks, the railroads, the public schools, and the squandered school fund, the eleemosynary institutions, have received, as they demanded, prime attention. It is not strange that the novelty and importance of the questions arising in such connexion should occasion honest, even obstinate, diversity of opinion.

8. The two subjects, however, occasioning the most declared and unyielding difference, are the rebels and the freedmen. It becomes necessary in various ways to define their respective privileges, both having been to a certain extent outlawed—the former by reason of their conduct, the latter by reason of their slavery. What some insist upon as a wise and politic liberality towards the rebels is branded by others as copperheadism, if not downright treason. What some regard as but sheer justice to the freedmen, and a necessary safeguard against the reassertion of the rebel sentiment, is denounced by others as radicalism. This division is aggravated and intensified by an admixture of prejudice

and interested motive. The so-called radical element prevails in the present organization of the government. Public sentiment, as represented by the press, possibly, if expressed by the voice of the entire population, irrespective of antecedent relations, favors the self-styled conservative element.

9. Whether, upon a submission to the ballot-box, the government would be continued in the same hands, or those of men with similar views, is necessarily matter of speculation and conjecture. Such a submission will occur in August, 1867. Much will depend upon the wisdom, good conduct, and practical success of the State administration meanwhile; much upon the turn of affairs throughout the country, and much upon the issues, personal and other, that happen to be submitted to the people, as friends of the national government, who have stood close to it, defending its policy and maintaining its honor all the way through the recent conflict. We see no cause for discouragement, provided that the government will stand by us and give us the moral effect of its support. If, on the other hand, we are unrecognized and unsustained; if we are practically declared usurpers, and our effort at restoring our deserted and inanimate State government a usurpation, then we are necessarily overborne and swept away.

10. The unenlightened and narrow-minded rebel sentiment is bitterer and more rancorous possibly than during the war, under the humiliation of defeat and disgrace. It is expressed less towards the federal than to the State government, and is especially strong towards persons of northern origin, those Union men who took an active part for the government against the rebellion, and the freedmen. The intelligent rebels, on the other hand, see and accept the situation, and endeavor to make the best of it. Their political aspirations would naturally tend to the control first of local affairs, then of the State, and lastly of the national government. They hope for much from a division between the executive and legislative powers.

11. The situation of the freedmen is much more satisfactory to themselves, however it may appear to others, than when in slavery. There is suffering, oppression, injustice, wrong. In the economy of society the world over, poverty, ignorance, and weakness entail inevitable hardships. The case of the freedman is no exception. In addition, the prejudice of race is a burden. His freedom is an idea too proximate to the calamitous overthrow of the rebellion to be welcomed by those who took part in that foolish and iniquitous enterprise; while the loyal Union man has too long felt his progress in life obstructed by him as a slave to relish his presence even in freedom, and his labor no longer organized by the intelligence and capital of his master.

The pre-existing laws applicable to free persons of color were at once applied to the freedmen. These allowed him nearly all the civil rights accorded to white persons, except to bear testimony in courts against white persons, and to peddle, and to traffic in spirituous liquors. It subjected him to the same criminal code, except in some offences against *white* females and in the measure of punishment. He was accorded no political rights, and was subjected to various political disabilities. He has been admitted to testify as a white person. It is not known that he has received any political enfranchisement.

12. If it be urged that our Union element, in the beginning, through weakness and want of support, succumbed to rebellion; that even now, if left unsupported and alone, it may once more be overborne; that the sharp animosities of the war do not entirely subside with the cessation of arms, we respectfully submit that these are considerations imperative why the national authority should rally to us and sustain our effort of self-government by its moral influence, and, if need be, by the assertion of its physical power.

JOSEPH S. FOWLER.
W. B. STOKES.
HORACE MAYNARD.

WASHINGTON, *January 25, 1866.*

Brevet Major General Edward Hatch sworn and examined:

By Mr. GRIMES :

Question. Where is your residence, and how have you been employed for the last five years ?

Answer. My residence is in Muscatine, Iowa ; prior to the war I was engaged in the lumber business ; I entered the military service of the United States in 1861, and have been through the various grades in the army to that of brevet major general of volunteers.

Question. Have you, during the time you have been in the military service of the United States, been stationed in the State of Tennessee, or been connected with the military operations in that State ?

Answer. Yes, sir.

Question. Were you so employed during any portion of the year 1865 ; and if so, during what portion of that year ?

Answer. The troops under my command were on the confines of the State of Tennessee the first of the year, and I occupied a portion of West Tennessee, having command of a division of cavalry and a post. During September, October, and November, I was stationed at Knoxville, Tennessee, as chief of cavalry of that department.

Question. How recently have you been in Tennessee ?

Answer. I left in December last.

Question. During the time you were in that State were you much among the people of the State ; and do you regard yourself as familiar with the sentiments of the people there ?

Answer. Yes, sir ; in portions of the State. I was often at Nashville, and also in other parts of the State a great deal.

Question. What conclusions did you reach as to the sentiments of the people of that State, so far as loyalty to the federal government is concerned ?

Answer. Leaving the people of East Tennessee out of consideration, I should think that the people of the balance of the State were largely opposed to the general government ; that is, that there was no good feeling toward the government. There is very little good feeling towards the United States government, except in East Tennessee.

Question. You regard the public sentiment in East Tennessee as, in the main, loyal ?

Answer. Yes, sir.

Question. And do I understand you to mean that in Middle and West Tennessee public sentiment is, in the main, disloyal ?

Answer. Yes, sir ; West Tennessee I consider as disloyal as Mississippi.

Question. Is it your opinion that the troops of the United States could safely be withdrawn from any portion of Tennessee ?

Answer. Do you mean with safety to the people of the State ?

Question. Yes, safety to the Union people of the State.

Answer. They could be safely withdrawn from East Tennessee, for there the people could protect themselves. That is the only portion of the State from which they could be withdrawn in safety.

Question. What, in your opinion, would be the condition of affairs in Middle and West Tennessee, should our military force be withdrawn from those portions of the State ?

Answer. The loyal portion of the people would be subject to certain ostracism which would drive them out of the country. They would legislate against them in every way—at least, I have often heard them openly say so.

Question. Do I understand you to say that the disloyal people there say that they would legislate against the loyal white people ?

Answer. Yes, sir; they say that those people who opposed them in this war shall not hold office there; that is, that they will not vote for any of them, and that all civil offices shall be held by their own men. That is the way they have always talked to me.

Question. Is anything else threatened besides depriving them of office?

Answer. They say the two people cannot live together. There is no more popular man in West Tennessee to-day than the late rebel General Forrest. The quartermaster of my old regiment is partner with Forrest on a plantation; he said he took the plantation because Forrest is popular, and will take care of him and his interests.

Question. Is this feeling of hostility towards the federal government in Middle and West Tennessee quite general?

Answer. I think it is. Perhaps much of the hostility towards the government has accrued from the personal animosities of the people; they have been fighting among themselves for four or five years, and now have an intense hatred for each other, and that feeling, I think, has extended to the government in some measure. There are some men in the State—men of large views and land-holders—who are willing to accept the state of affairs as it is, and to do almost anything in order to farm their lands; they wish to retain their old labor, but they constitute a very small portion of the people.

By Mr. GRIDER:

Question. How long were you stationed in Tennessee?

Answer. I had troops in West Tennessee, and was at Eastport, just on the confines of the State.

Question. On the border of Mississippi?

Answer. Yes, sir; I was at that post from January until July, 1865.

Question. State whether the rest of your intercourse with the citizens of Tennessee was not of a rather cursory nature, when the army was passing from point to point.

Answer. No, sir; for I have done a great deal of business for them and been among them a great deal. I have been in Tennessee more or less since 1862.

Question. Did you know Colonel Hobson, of Kentucky, a very young man, who was with the army at Knoxville?

Answer. I may have seen him, but I am not personally acquainted with him.

By Mr. GRIMES:

Question. I understand you to say that you have been in Tennessee more or less for the last three or four years?

Answer. Yes, sir; since 1862.

Question. And most of that time in that State?

Answer. Yes, sir; I have been stationed at Memphis, Lagrange, Collierville, and Eastport. I was stationed at Lagrange in the summer of 1863. I know West and Middle Tennessee better than my own State; that is, the roads and thoroughfares.

Question. While travelling about in Tennessee were you always known as an officer of the federal army?

Answer. No, sir.

Question. You did not always wear the insignia of your office and rank?

Answer. No, sir; not all the time.

Question. Were communications made to you as freely when you wore the insignia of your office as when you did not; that is, communications showing the sentiments entertained by the people towards the government and towards each other?

Answer. No, sir; not always. Sometimes people would speak in a very braggadocio way towards officers. As I have already said, men of large views, those who understand the question and admit the state of affairs as it is now, those men are willing to do anything to sustain the government; but they are in a very small minority, and cannot control these fellows. There is everywhere an intense hostility towards the negro, and I suppose there always will be in that State.

Question. What is the condition of the freedmen in the State of Tennessee?

Answer. They can find employment now; but they have the opposition of the poor whites, or of the men who own very little property, and that is a very intense opposition.

By Mr. GRIDER:

Question. A great many of the original owners of the slaves desire to employ their old slaves?

Answer. Yes, sir; the reasonable men, the men of education, understand this question.

By Mr. GRIMES:

Question. Is there any public sentiment there in any instance to prevent the original owners from employing their former servants?

Answer. Where the original owner has been a liberal, good-hearted man, the negro is inclined to work for him cheerfully; but if he has been a severe master they are afraid of him. Some of the negroes have the idea that they may be run off further south, to Mexico or Cuba, into slavery. The negro has strong local attachments, and if his former master was a generous, good man, his former servants will work for him cheaper than for any one else. But there are not very many liberal men; they worked their servants very hard on their plantations.

Question. What is the general condition of the freedmen in Tennessee, so far as your observation extends?

Answer. The negro is perfectly willing to work, but he wants a guarantee that he will be secured in his rights under his contract. I have always found them willing to work, since the close of the war, at any rate; but they want their contracts guaranteed to them. They desire to have the government guarantee them for them, and take care of them in that way. They are willing to work. But the negro knows that without his rights are secured, and his life and property secured, he is not safe from the poor whites. He understands their antipathies towards him as well as any one does.

We have always issued less rations to the negroes there than we have to the poor whites. We did not issue one-tenth the rations to the negroes that we did to the poor whites.

The men there who dislike the present state of things do not like to give up the negro. They think that by some kind of legislation they can establish a kind of peonage; not absolute slavery, but that they can enact such laws as will enable them to manage the negro as they please—to fix the prices to be paid for his labor. That is a very general idea among that class of men. But those men of broad views who know that labor will find its level, are in favor of hiring the negro and paying him fairly. But they are in the minority.

Question. Do you know anything about the security of the negro's life in Tennessee?

Answer. You cannot call his life secure there. They are liable to be shot by the poor whites; and no doubt it is done every day.

Question. What do you mean by "poor whites?"

Answer. Men on both sides who have been in the army and are not willing to work, and wish to get along the best way they can.

By Mr. GRIDÉR:

Question. Did you or not find among the servants a great disposition to aggregate together, a desire to work together, and a dislike to being separated?

Answer. Yes, sir; as I said before, the local attachment of the negro is great. I think the negro is anxious to accumulate property. I think that the people down there are mistaken in supposing that the negro does not desire to accumulate property. In my opinion the negro does not desire governing; he wants to be acknowledged as a part of the population. Say to him what his labor is really worth and pay him for it, and you will have no trouble with him.

By Mr. GRIMES:

Question. They need government for their protection?

Answer. Yes, sir.

WASHINGTON, *January 29, 1866.*

Major General George H. Thomas sworn and examined.

By Mr. GRIMES:

Question. Where are you stationed at present, and what are the duties which you now have to perform?

Answer. I am in command of the military division of the Tennessee; my headquarters are at Nashville, Tennessee.

Question. Of how many States is your division composed?

Answer. The division is composed of the States of Kentucky, Tennessee, Georgia, Alabama, and Mississippi.

Question. How many troops are now under your command in the State of Tennessee?

Answer. I cannot state precisely, but I think about six thousand; principally required to take care of public property.

Question. Where are they stationed for the most part?

Answer. At Nashville, Chattanooga, and Memphis.

Question. So far as your knowledge and observation extend, what is the condition of the popular sentiment in the State of Tennessee, so far as it relates to the federal government and the rights of the Union people, and of the freedmen?

Answer. I have studied the condition of affairs in Tennessee pretty carefully, and have had practical demonstration of the condition of affairs there; having, in addition to the information I have derived from personal observation, such information as I have received from other sources. The Union sentiment in Tennessee, of course, has been sufficient to place the State in its present favorable condition towards the government, and, if protected and encouraged by the presence of a small Union force, it will gain the complete ascendancy in the State in the course of a year or two. I do not think it would be safe at this time to remove the national troops from Tennessee, or to withdraw martial law, or to restore the writ of habeas corpus to its full extent.

Question. What is the condition of East Tennessee, as compared with that of Middle and West Tennessee?

Answer. East Tennessee is perfectly safe, because the Union element predominates there very largely. Middle Tennessee is disturbed by personal animosities and hatreds, much more than it is by the disloyalty of persons towards the government of the United States. Those personal animosities would break out and overawe the civil authorities, but for the presence there of the troops of the United States. In West Tennessee these personal animosities exist even more strongly than they do in Middle Tennessee, and there is less loyalty in West Tennessee than there is in Middle Tennessee. But the people of Tennessee desire very much, it is their strongest desire, to be back in the govern-

ment of the United States. Still, while they wish to enjoy the rights of citizenship, they are not friendly towards Union men, particularly men from Tennessee who have been in the Union army. They are more unfriendly to Union men, natives of the State of Tennessee, or of the south, who have been in the Union army, than they are to men of northern birth.

Question. What is the condition of the Union people in West Tennessee?

Answer. The Union people of West Tennessee are in a minority; but public sentiment there is gradually approaching a good loyal standard.

Question. Do you think there is an improvement going on generally in the sentiment of the State?

Answer. Yes, sir. I can probably express my idea better in this way: I think the people of Tennessee will go on improving in their Union sentiment, provided they are prevented from running to extremes against their personal enemies in the Union ranks, and the presence of troops there is necessary simply to prevent them from committing excesses and being led astray in their private animosities.

Question. You believe, then, that it would be dangerous either to remove the national troops, or to restore the writ of habeas corpus, or to abolish martial law in Tennessee?

Answer. I do, for the present.

Question. What is the condition of the freedmen in Tennessee?

Answer. The condition of the freedmen in Tennessee is very favorable at this time. A very great improvement has taken place in their condition; and if the affairs of the Freedmen's Bureau can be administered for another year in the way they have been administered for the last six months, mutual confidence would be restored between the whites and the blacks; and I am very much in hopes that the freedmen could then be left to the protection of the civil authorities of the State.

Question. Then the administration of the Freedmen's Bureau has met with your approval?

Answer. Yes, sir.

Question. Under General Fisk?

Answer. Yes, sir.

Question. Do the freedmen generally find employment in Tennessee?

Answer. I do not know of any difficulty in their finding employment.

Question. And at fair wages?

Answer. Yes, sir; and there is a general understanding among the negroes and among the whites that each is to comply with his part of the contract, so that there is no difficulty and no dissatisfaction.

Question. Has General Fisk the charge of the freedmen in the whole of the State of Tennessee?

Answer. Yes, sir; and he has charge of the freedmen in the State of Kentucky, in addition.

By Mr. GRIDER:

Question. You say you believe that there is a gradual improvement going on in Tennessee as to loyalty?

Answer. Yes, sir.

Question. Will you give your opinion as to whether the admission into Congress of the representatives from Tennessee would tend to encourage the loyal people of Tennessee, and strengthen the feeling of loyalty in that State?

Answer. I think it would very much. It would not only encourage the loyal people to exert themselves, but it would encourage the rebels to return to their loyalty, because they would see that their chances and hopes for another outbreak were passing away from them. If you will permit me to give additional

reasons why I think the delegation from Tennessee should be admitted I will do so.

Question. Certainly; state any reasons you may desire to state.

Answer. I think the delegation from the State of Tennessee should be admitted into Congress for the reason that that State, of her own accord, has complied with every instruction of the President, and has done all that it was believed it would be necessary for her to do in order to gain admission into Congress. All that they have done of their own accord in Tennessee. They have repudiated the rebel debt; they have abolished slavery, and also adopted the constitutional amendment upon that subject; they have passed a franchise law prohibiting from voting every man who has been engaged in the rebellion; and I believe they have now passed a bill giving the negro the right to testify in the courts; and all the members elected to Congress can take the test oath, both senators and representatives; and if their representatives shall be admitted into Congress it will be a precedent for all the southern States; they can see at once the reasons why the Tennessee members are admitted, and that if they expect their members to be admitted they must do as she has done.

By Mr. GRIMES:

Question. You have answered the inquiry of Mr. Grider in regard to the propriety of admitting into Congress the delegation from Tennessee; state, if you please, whether, if her delegation should be admitted into Congress, it would be safe for martial law to be then abrogated in the State of Tennessee.

Answer. I would not abrogate it just yet.

Question. Would you recommend the abolition of the Freedmen's Bureau in that State?

Answer. Not yet.

Question. Even if the Tennessee delegation should be admitted into Congress?

Answer. No, sir; I would admit the delegation from Tennessee simply to encourage the people of Tennessee to return to their loyalty, and also as an example for the other southern States, because you have it in your power to show them plainly and clearly why they are admitted at once and the rest are not; that is, because none of the other States have complied with the same conditions that the people of Tennessee have complied with.

Question. You also stated as a reason why, in your opinion, the State of Tennessee ought to be represented in Congress, that, in case that was done, the rebel people there would abandon their hopes of another outbreak. Have you any reason to believe that they still entertain the opinion, or that any considerable portion of them do, that there may be another outbreak?

Answer. I have received communications from various persons in the south that there was an understanding among the rebels, and perhaps organizations formed or forming, for the purpose of gaining as many advantages for themselves as possible; and I have heard it also intimated that these men are very anxious and would do all in their power to involve the United States in a foreign war, so that, if a favorable opportunity should offer, they might turn against the government of the United States again. I do not think they will ever again attempt an outbreak on their own account, because they all admit that they had a fair trial in the late rebellion and got thoroughly worsted. There is no doubt but what there is a universal disposition among the rebels in the south to embarrass the government in its administration, if they can, so as to gain as many advantages for themselves as possible.

Question. In what could those advantages consist, in breaking up the government?

Answer. They wish to be recognized as citizens of the United States, with the same rights that they had before the war.

Question. How can they do that—by involving us in a war with England or France, in which they would take part against us?

Answer. In that event their desire is to re-establish the southern confederacy. They have not yet given up their desire for a separate government, and if they have an opportunity to strike for it again they will do so.

Question. Does the intelligence in regard to these organizations reach you from such authentic sources as to command your belief of their existence?

Answer. Yes, sir; it comes from very reliable men.

Question. What is the industrial condition of the people of Tennessee? Are they taking steps to put in crops and employ such labor as is within their reach?

Answer. The industrial condition of the State has improved so much that by the end of this year I think the people will be more interested in their private operations and pursuits than they will in political affairs, and be very much quieted down. They are very much encouraged now, and almost every plantation in the State is being put in operation again. The Union people of Tennessee, particularly, wish to be quiet.

Question. How about the rebels?

Answer. A great many of the rebels are going to work, quietly, to cultivate their farms. A great many of them say that they failed in their attempt to gain their independence of the United States, and that they now wish to be quiet citizens of the country, and are going to turn their attention to farming again.

GEO. H. THOMAS,
Major General United States Army.

WASHINGTON, *January 30, 1866.*

Brevet Major General Clinton B. Fisk sworn and examined.

By Mr. GRIMES:

Question. What is your present rank, and what is the duty you now have to perform?

Answer. I am brevet major general of the United States volunteers and assistant commissioner of the Bureau of Freedmen, Refugees, and Abandoned Lands, for the States of Kentucky and Tennessee.

Question. How long have you been employed in that capacity?

Answer. About eight months.

Question. How many freedmen have you under your charge?

Answer. About 500,000, according to census of 1860. During the greater portion of the eight months I have been assistant commissioner, northern Alabama has been attached to my district.

Question. You have about half a million of freedmen under your charge now?

Answer. Yes, sir; for the two States of Kentucky and Tennessee.

Question. What is the condition of those freedmen, especially in the State of Tennessee?

Answer. The great mass of the freedmen in the State of Tennessee are in what might be called a good condition, and they are constantly improving in their condition, both as to industry and elevation. They need the protection of the government very much in the State of Tennessee.

Question. Why do they need it?

Answer. On account of the opposition of the people to freedmen and justice to the negro.

Question. Is that sentiment of opposition to the freedmen general through the State?

Answer. It is not.

Question. To what parts of the State, or what classes of people, is it confined?

Answer. Tennessee is peculiar. In no other State do you find the same sort of opposition as in Tennessee. My duties, within the last eight months, have called me through the five States of Kentucky, Tennessee, Alabama, Georgia, and Mississippi. I made an inspection tour through the three States below Tennessee, in addition to my own regular duties. It is a melancholy fact that among the bitterest opponents of the negro in Tennessee are the intensely radical loyalists of the mountain district—the men who have been in our armies. Take East Tennessee, for instance. The great opposition to the measure in the Tennessee legislature, giving the negro the right to testify and an equality before the law, has come from that section, chiefly. In Middle Tennessee and in West Tennessee the largest and the wealthiest planters of the old slaveholding population have more cordially co-operated with me in my duties than the people of East Tennessee.

Question. In what way does their opposition manifest itself?

Answer. In a desire that he should be entirely removed from the State; opposing his education, and right to justice before the law.

Question. Do the freedmen manifest a disposition to be industrious and secure a livelihood for themselves?

Answer. They do, and to elevate themselves. They literally hunger and thirst for knowledge.

Question. What proportion of them are able to find employment?

Answer. All of them in Tennessee who can do any work. I could furnish employers for 25,000 more laborers from my district than I have, such is the demand for labor in the valley of the Mississippi. During the first twenty days of this month we made contracts at the Memphis agency of the Freedmen's Bureau covering 7,280 persons, and at good remunerative wages.

Question. Do the freedmen recognize you and your bureau as a means of protection to them?

Answer. They do.

Question. And they have confidence in your administration of the bureau?

Answer. They appear to have the fullest confidence, as also in the military administration of that division. The Freedmen's Bureau has received the most hearty and cordial co-operation of General Thomas, the commandant of that division. The freedman has no better friend in the country than Major General George H. Thomas.

I do not want to be understood as saying that in Middle and West Tennessee there is no opposition to the freedmen, for there is. There are slaveholders and returned rebel soldiers there who persecute them bitterly, and pursue them with vengeance, and treat them with brutality, and burn down their dwellings and school-houses. But it is not the rule; such conduct is exceptional. It may not be best for me to speak of Kentucky in this connexion. But contrasting the two States, I can say that the freedmen in Tennessee are treated with more favor than they are in Kentucky. There is more brutality to negroes, and more wicked, malicious persecution of loyalists in the State of Kentucky to-day than in the State of Tennessee. I have travelled over both States and observed carefully. I have travelled *incog.* in portions of those States I have mentioned, going as a Missourian, talking with the people on their plantations, and the negroes in their quarters, reaching the real sentiment of the people in that way. The opposition to the freedmen in Kentucky, in many localities, is very great—in fact, to freedom itself.

Question. How large is the pecuniary support that you are obliged to extend to the freedmen in Tennessee?

Answer. I am not to-day issuing a single ration to freedmen in Tennessee, except to about one hundred orphan children, and thirty old people at Memphis, and about sixty orphan children and twenty-five old people at Nashville—that is all.

Question. Do you issue rations to white people in Tennessee ?

Answer. During the last year the rations issued to white people in Tennessee have been much in excess of those issued to freedmen. When I took charge of my district the government was feeding 25,000 people; in round numbers, about 17,500 white persons, and 7,500 black. The month preceding the establishment of the Freedmen's Bureau, for rations alone for that class of people, the sum of \$97,000. My first efforts were to reduce the number of these beneficiaries of the government; to withhold the rations, and make the people self-supporting as far as possible; and in the course of four months, I reduced the monthly expenses from \$97,000 to \$5,000; saving within that time, on subsistence, ten times as much money as the whole Freedmen's Bureau cost in the entire district, including all salaries paid to officers and agents for the government.

Question. Is the military support of the government required now in the State of Tennessee in aid of your bureau?

Answer. It is.

Question. Do you believe the affairs of the bureau could be safely administered there without the military support of the government?

Answer. I do not. My subordinates are chiefly civilians. I select the best man for the position I can find in a county. For instance, I select the county judge at the county-seat, and give him the agency of the Freedmen's Bureau in that county, and under our regulations and instructions he administers our affairs. If he needs it, he requests any district or post commandant to give him assistance, and he gets it.

Question. Are they frequently compelled to require such aid and assistance?

Answer. They are.

Question. And you do not think that at this time the military could be safely withdrawn from Tennessee?

Answer. I do not.

Question. Do you think that martial law could be safely abolished there at this time?

Answer. I do not.

Question. Do you think it would be safe at this time to restore the writ of habeas corpus there?

Answer. I do not.

Question. What is the general sentiment of the white population in the State of Tennessee at this time in respect to loyalty to the federal Union?

Answer. I should think that the majority of the people of Tennessee, counting them right through, are opposed to the government. I think the vote at the polls to-day, if every man were allowed to vote as he pleased and according to his own judgment, would show a majority against the general government.

Question. Is there any difference in that respect in different parts of the State?

Answer. Yes, sir; there is more loyalty in East Tennessee than in any other portion of the State, and there is more in Middle Tennessee than there is in West Tennessee.

Question. Is there now safety to the Union people of the State of Tennessee?

Answer. But little opposition to the Union people has come within my observation. A large delegation of the citizens of Memphis waited on me not long ago and stated that they were cruelly oppressed by the rebel element of the population in that section, and that they feared the military protection was to be withdrawn from the State; and they stated to me that if the military was withdrawn, those persons in most portions of West Tennessee who had been early and consistent friends of the government, and loyal to it, would be compelled to withdraw with the military. That was their opinion as expressed to me.

Question. Is it your belief that within two or three years there will be a

mutual understanding arrived at between the white and colored populations of Tennessee, so that the Freedmen's Bureau could be dispensed with?

Answer. Yes, sir; I believe that with the enactment of just laws, laws securing impartial justice to all men, and their enforcement in that State by the civil authorities, it would not take that length of time to properly adjust the new relations.

By Mr. GRIDER :

Question. Where are your headquarters?

Answer. At Nashville, Tennessee.

Question. How long have you been in Kentucky? Have you been at Frankfort lately?

Answer. Yes, sir. I have been in Kentucky the most of the time for the last six weeks. I was there often during the summer months and made tours through the State.

Question. When you speak of the vote of the majority of the people of Tennessee being in opposition to the general government, do you mean that the majority would vote to overthrow the government, or do you mean that they are opposed to the present policy of the government?

Answer. I mean this—that I believe a majority of the people of Tennessee to-day would prefer that the rebellion should have been a success; that is my meaning.

Question. Is there, or not, an increasing loyalty—a disposition gradually growing up to take position under the federal government and do their duty?

Answer. I will tell you just what my observation in that particular has been. When I went to that district in June last there seemed to be a general disposition on the part of the majority of the people to cordially support the government—to return to industrial pursuits, and to let bygones be bygones. In the course of three or four months there seemed to be an increase of disaffection; I heard more of complaint against the government, more expressions of regret that the rebellion had failed, more open and unjust criticisms of the government; then again that spirit subsided, and I believe the feeling to-day in Tennessee is growing better.

Question. As the legislature of Tennessee has adopted the principal measures, if not all of the measures, recommended by the President of the United States, and they have elected members of Congress, will you state whether or not you believe their admission into seats in Congress would tend to encourage and increase the spirit of loyalty in Tennessee, and of attachment to the general government?

Answer. My own opinion about that is this: The State of Tennessee occupies altogether a different position from that of any State below. In the first place, Tennessee abolished slavery by her own actions; she elected a governor by the people; she repudiated the rebel debt; she ratified the constitutional amendment abolishing slavery, and did all that without Executive indication or inauguration. Tennessee furnished thousands for the defence of the Union. All this is to her advantage; and were I a member of the Senate or House of Representatives of Congress I would vote most cheerfully to admit the delegation from Tennessee, believing that in so doing I would be taking a step that would increase the loyal sentiment of the State, and which would promote the tranquillity and prosperity of the State. I speak now of Tennessee.

By Mr. GRIMES :

Question. You discriminate between Tennessee and the more southern States?

Answer. I do.

WASHINGTON, *February 2, 1866.*

David T. Patterson sworn and examined.

By Mr. GRIMES :

Question Where do you reside ?

Answer. I reside in Greeneville, Greene county, East Tennessee.

Question. State, if you please, so far as you may know, the condition of the public sentiment in Tennessee so far as regards the whole of the State, as well as the different sections of it ; the condition of the Union people and the freedmen in those different sections ; and what you know in regard to the changed condition of the industrial pursuits of the freedmen.

Answer. I can speak from my own personal knowledge of the condition of the loyal people of East Tennessee. In regard to the condition of loyal people in Middle and in Western Tennessee, I can only speak from information derived from correspondence and conversations with people who live there. In Eastern Tennessee the loyal people have an overwhelming majority ; they are the dominant party now. But during the war they were subjected to the bitterest persecution ; they were driven from their homes ; they were conscripted and sent into the rebel armies ; they were persecuted like wild beasts by the rebel authorities, and hunted down in the mountains ; they were hanged on the gallows, shot down and robbed ; every imaginable wrong was inflicted upon them. From 20,000 to 25,000 loyal men of East Tennessee left their homes, went through the mountains into Kentucky, there joined the federal forces, and fought their way back home under General Burnside in 1863. Perhaps no people on the face of the earth were ever more persecuted than were the loyal people of East Tennessee in 1862 and 1863 ; the persecution commenced just after the burning of bridges in 1861. The first conscript law passed by the rebel congress, I believe, was passed in April, 1862, and as soon as they got their machinery at work they commenced attempting to conscript the Union men of East Tennessee. As soon as they organized their bureaus of conscription and appointed their enrolling officers, a great many Union men in East Tennessee escaped from the country, while others concealed themselves in the mountains and in houses

At the June election in 1861, on the question of separation from the Union and representation in the rebel congress, we had in East Tennessee a majority of about 20,000 against those issues. Both questions were presented together. Those who opposed them voted "no separation," "no representation;" those who were in favor voted "separation," "representation."

Upon the occupation of East Tennessee by General Burnside, in September, 1863, the rebels themselves, those who had made themselves obnoxious, fled from East Tennessee, and but few have returned. We have now but few rebels in East Tennessee. The Union men, when they were enabled to return, were not very amiable, and they resorted to retaliation, and executed a great many rebels—paid them back in the same sort of coin they had received at their hands. The Union men were guilty of a great many excesses, and can only be excused upon the ground that they had themselves been made to suffer terribly by those rebels.

Really, so far as East Tennessee is concerned, we have now very few rebels there. We have nothing to fear from rebel votes or from rebel influence in my section of the State. I doubt very much whether there are more than three counties in Eastern Tennessee where a rebel would present himself for any office of any character. East Tennessee can take care of itself. The trouble is in Middle Tennessee and in Western Tennessee.

Question. In West Tennessee, especially ?

Answer. I suppose there is more disloyalty there ; but I know but little

about public sentiment there. All the information I have I obtain from correspondence and conversation with gentlemen living in that section of the State. I have been in Tennessee but little since the capitulation of General Lee and the surrender of the rebel armies. Since last July I have been here.

So far as the Freedmen's Bureau is concerned, I know very little of its practical operation in East Tennessee. We have very few freedmen there. In fact, I know nothing of the practical operation of the bureau in any part of the State. And in East Tennessee, before the war, slavery existed in its mildest form.

Question. What is your opinion in regard to the propriety of admitting into Congress the delegation from Tennessee at this time?

Answer. Situated as I am, it is very natural I should entertain the opinions I do upon that subject. I really think it would be advantageous to the loyal sentiment of Tennessee to be represented in Congress. I think the moral influence of a representation in Congress would do us good at home.

It is very difficult to judge of men's motives and their real sentiments; but those who were rebels, and who have corresponded or conversed with me upon the subject, profess now to be loyal to the government of the United States—to accept the results of the war in good faith.

I have read pretty carefully the address of the central committee of the State, and must say that I was surprised to see it. If we have not succeeded in making any impression upon the rebel organization in the State, and they were to combine together, they could certainly defeat us in a general election; that is to say, they could defeat us in an election for governor. They could not defeat us, so far as East Tennessee is concerned, in an election for members of Congress, or for members of the legislature, or for county officers. We have no trouble there about that; we carry all those elections our own way.

But if, as some of our prominent Union men think, we have made no impression upon the rebel organization in that State, then, if they were to combine and cast their full vote for candidates of their own, they could certainly defeat us in a general election.

WASHINGTON, *February 2, 1866.*

Col. William Spence sworn and examined.

By Mr. GRIMES:

Question. Where do you reside, and what is your occupation?

Answer. I reside three miles from the city of Murfreesboro', Rutherford county, Tennessee. My business now is farming.

Question. Are you a native of Tennessee?

Answer. No, sir; I have been there ever since I was five years old; but I was born in Ireland.

Question. Are you in any public employment at this time?

Answer. I was elected to the senate of the legislature of Tennessee, and am at present a member of that body.

Question. Have you been in Tennessee during the last five years?

Answer. Yes, sir; I have been there all the time, and at home, when I could stay there.

Question. Were you the owner of slave property when the rebellion broke out?

Answer. Yes, sir.

Question. What is the condition of public sentiment in the State of Tennessee, or in the different portions of the State, as regards loyalty to the federal government; and what is the condition of the freedmen, and the condition of the loyal Union men—those who have adhered to the government during the last five years?

Answer. First, with regard to the Union feeling in the State. Among those who have been in the rebellion, and have been pardoned, if the question was in reference to obeying the law, I think the most of them would be inclined to obey the law. Still, according to my judgment, they would have no very kind feeling towards the government. But I think they would obey the law as near as you could get any body of men to do it. I think the poorer classes who have been in the rebellion could be made truly loyal if proper efforts were made. They are ignorant and need education.

In the county where I live the condition of the freedman is very good. There is an agency of the Freedmen's Bureau there, but there have been very few cases that have to be taken before it for adjustment. The freedmen have behaved exceedingly well, and have obtained fair wages. When their time was out this year they commenced hiring out again on farms for \$15 a month and board. I think everything with the freedmen is working well. The poorer classes of whites are not getting along so well. They have no schools, and where they have no land they cannot get employment as readily as the colored men can. The richer men will not employ them, for the truth is, they are not as valuable for laboring as the negroes are. According to my judgment the poorer classes of white people, not only in Tennessee, but all over the south, are scarcely able to take care of themselves. They are inclined to be idle and lazy, and think it degrading to work.

I only know from report about other parts of Tennessee. The eastern portion of the State, where about three-fourths of all the loyal people of the State live, is in a peculiar condition in regard to politics. The Union people in my section, Middle Tennessee, consider it absolutely necessary for the good of the country that the negro should have his rights in court; and not only that, but that we should at least inaugurate the principle that those who have fought in the army should have the right to vote as well as those who pay taxes and those who can read and write. But our Union friends in the eastern portion of the State, as we understand it, almost to a man, although the best Union men in the land, are opposed to any such thing.

I think the disloyal sentiment is much greater in West Tennessee than in Middle Tennessee; but how far that disloyal sentiment would be carried out if opportunity presented I have no means of knowing; whether it would go so far as disobedience to the law I do not know. I think it probable that in some portions of the State there might be some lawless fellows who would disobey the laws.

Question. You speak of the operation of the Freedmen's Bureau in your county. Do you think it is working advantageously to the planters and to the freedmen in that county?

Answer. There must be some tribunal before which, if there is any dispute, it can be settled. But we really have had no use for it of any consequence, because we were organized and getting along very well before there was any bureau established there, and I endeavored to have a law passed by the legislature which would have prevented our having any use for it in our section, but we failed to get it. I think the Freedmen's Bureau operates very well.

Question. How does this new system of paid labor seem to satisfy the intelligent people of Tennessee?

Answer. In my judgment it satisfies them remarkably well. I know it satisfies me. I have made the experiment; I allowed the freedmen I employed to have pretty much their own way, and they made as much as they ever made when slaves. I made as much as any of my neighbors made the past year; in fact, I think I made more. I do not hold at all to the idea that negroes will not work for compensation.

Question. What, in your opinion, would be the effect at the next election in Tennessee of admitting her representatives into Congress now? Would it re-

sult to the advantage of the Union men of the State to admit the Tennessee representatives at this time?

Answer. I think it would have a good effect. It would set the whole machinery of the State in motion, and the people would become identified with and better satisfied with the government of the United States, even those who have been in the rebellion. My judgment would be that different candidates would come out at another election, and in some sections what we term radical men would be elected; in other sections what we call conservatives would be elected. But I think that in hardly any case—at least not in Middle Tennessee—would they elect what would be called rebels, men who have been in the rebel army and taken an active part in favor of the rebellion. They would be afraid, if they should put up such men, that the poorer classes would be arrayed against them by the Union people, which I think can be done in every district in Middle and West Tennessee; and if they do that, we will have a civil war at home. I really think it would have a very beneficial effect to admit our representatives now. I live in as bad a rebel district as any in the State of Tennessee; not originally any worse than others, but they all got into it at last. The rich men had influence, and made the poor people go into the rebellion; but I do not think they have that influence any longer.

W. SPENCE.

WASHINGTON, *February 5, 1866.*

Lieutenant Colonel John H. Cochrane sworn and examined.

By Mr. GRIMES:

Question. Are you connected with the army?

Answer. I have been; I was mustered out of service last week.

Question. With what regiment have you been connected?

Answer. With the 101st United States colored infantry. I was acting assistant adjutant general for General Fisk, of the Freedmen's Bureau.

Question. Have you been on General Fisk's staff until recently?

Answer. Yes, sir.

Question. How long have you been stationed in Tennessee, and at what place?

Answer. Since the 5th of September, 1863, at Nashville.

Question. Have you had occasion to travel much through the State?

Answer.. Yes, sir; considerable, at various times.

Question. Have you been brought in contact with the people of Tennessee to any considerable extent?

Answer, Yes, sir; my official position brought me in contact with a great many people.

Question. So far as you have been able to form an opinion, what is the present condition of public sentiment in Tennessee as regards loyalty to the federal government?

Answer. I do not think there is much loyalty there. I think the Union people are in a very decided minority; and I think it would be still worse if our troops were withdrawn. That has been shown, I think, in the sections from which the troops have been withdrawn.

Question. Is there, in any portion of the State, much dissatisfaction with the restoration of the federal government?

Answer. Yes, sir; there is a great deal of it in Middle Tennessee and some in East Tennessee.

Question. How is it in West Tennessee?

Answer. West Tennessee is bad, too, in some portions of it.

Question. How tolerable is the condition of those men who have been loyal to the government of the United States throughout the rebellion?

Answer. In reference to what?

Question. How are they treated and regarded by those who have been disloyal?

Answer. The feeling now is subsiding a great deal; but there was a great deal of opposition by disloyal men to Union men. They seem to harmonize now better than they did a year ago. There does not appear to be so much trouble between them. Still the Union men are in the minority, as was demonstrated at the election of mayor of Nashville; but there is not much open hostility between them.

Question. Are the lives, and is the property, of Union men of the State who have borne arms in the federal cause safe and protected at this time?

Answer. Yes, sir. I do not know how it would be if the troops were taken away from the State.

Question. Do you believe the troops could be safely withdrawn at this time?

Answer. I do not; not from the whole State. They might be safely withdrawn from some portions of the State; but in other parts of the State I do not think it would be safe for northern men who have emigrated there, or for the Union men of the State who have served in our army, if our troops were withdrawn.

Question. Would it be safe for the freedmen?

Answer. No, sir, it would not.

Question. What is the condition of the freedmen there now?

Answer. It is very good; they are making contracts for labor. At General Fisk's office the demand for laborers was five or six thousand more than we could supply.

Question. Do the freedmen receive remunerative wages for their labor?

Answer. I think they do.

Question. Are the labor contracts generally observed on both sides?

Answer. Yes, sir, in most instances. We have had but very little trouble in consequence of their contracts being violated.

Question. So far as you know, has the Freedmen's Bureau operated advantageously for all parties in Tennessee?

Answer. Yes, sir, I think so. There has been some complaint about it; but I guess the great cause of the complaint, the freedmen's court, has been removed now. The admission of negroes to testify in the courts will do away with the necessity for a freedmen's court.

By Mr. GRIDER:

Question. You say the people of Tennessee are becoming more quiet?

Answer. Yes, sir.

Question. What is your opinion as to the effect of the admission of the delegation from Tennessee into Congress? Would it increase the spirit of loyalty or quietude, or would it do otherwise?

Answer. I think it would increase it. They feel there now as though they were not represented, as though they were a Territory, and it was hardly worth while being loyal.

Question. Do the men who were in the federal army and those who were in the confederate army treat each other with more courtesy than the citizens do?

Answer. Yes, sir.

Question. And more generously?

Answer. We have but little trouble with the men who were in the confederate army. I found it so in Tennessee and Kentucky.

WASHINGTON, *February 5, 1866.*

Lieutenant Colonel R. W. Barnard sworn and examined.

By Mr. GRIMES :

Question. Are you an officer of the United States army ?

Answer. Yes, sir ; a brevet lieutenant colonel of the United States army.

Question. Where have you been last stationed ?

Answer. In Tennessee.

Question. How long have you been there ?

Answer. I have been stationed permanently there since the last of June, 1864.

Question. At what place have you been stationed ?

Answer. At Nashville.

Question. What has been your duty there ?

Answer. From the 21st of June, 1864, until about the 1st of August, 1865, I was superintendent of contrabands for the department of the Cumberland.

Question. Is Nashville still your headquarters ?

Answer. Yes, sir.

Question. What is the condition of public sentiment in the State of Tennessee in regard to loyalty to the government of the United States ?

Answer. I do not think there are many citizens of Tennessee who are favorable to the government of the United States.

Question. What do you mean by that ? Do you mean that there is a general spirit of disloyalty throughout the State, or merely that they are dissatisfied with the condition of things ?

Answer. Rather that they are dissatisfied with the condition of things. It is not disloyalty sufficient to produce an outbreak, but it is a spirit of disaffection.

Question. What is the condition of the Union people of the State, those who have been loyal during the last four or five years ?

Answer. Do you mean as regards their treatment by the citizens ?

Answer. Yes, sir.

Answer. I do not think they are molested by the southern sympathizers.

Question. Is it your opinion that they are thoroughly protected in all their rights and privileges ?

Answer. I think they have their rights and privileges by sufferance ; that they are simply not interfered with.

Question. What is the condition of the freedmen in Tennessee ?

Answer. I think that it is improving. I think that self-interest on the part of the employers will protect the freedmen in their rights in a great measure.

Question. So far as you know, are they now protected in their rights of persons and property ?

Answer. As a general thing, I think they are by their employers.

Question. How are they treated by those who are not their employers ?

Answer. I do not think they are treated with much cruelty ; but they are not treated with much favor. There is a dislike to the negro since he is free, but I do not think he is treated with much cruelty in Tennessee. Still, I ascribe that in a great measure to the presence of the military in Tennessee, and the decided policy of General Thomas.

Question. Do you know whether measures are being taken generally throughout the State to put in crops ?

Answer. Yes, sir ; and there is a great demand for labor from all parts of Tennessee by northern men who have emigrated there and citizens of the State who have always lived there.

Question. Is it your opinion that the military could be safely removed from Tennessee at this time ?

Answer. I hardly know how to express myself on that subject. I have not been in favor of removing the military. I can tell you what an old citizen, a Union man, said to me. Said he, "I tell you what, if you take away the military from Tennessee, the buzzards can't eat up the niggers as fast as we'll kill 'em." I do not think it would be as bad as that; but I know there are plenty of bad men there who would maltreat the negro.

Question. What is your opinion, if you have any upon the subject, in regard to the effect upon the public sentiment in Tennessee of admitting into Congress the delegation from that State?

Answer. I think the effect would probably be beneficial. But I am not a politician; I have never meddled with politics; I have never voted in my life. Still, there is such a universal desire there to have their delegation admitted that I think it would probably have a beneficial effect.

Question. From what does that desire arise?

Answer. Simply a desire to be represented in Congress, to be recognized as a State again. It is a natural desire for a people to have. I do not think there is any particular political meaning in it.

By Mr. GRIDER :

Question. Is the inclination or disposition to be severe on the freedmen most common with those who formerly owned slaves, or with those who never owned any?

Answer. There are very few persons of any standing in Tennessee who did not formerly own slaves; therefore, any maltreatment of freedmen would be by those who formerly owned slaves.

Question. Do not a large majority of the people in Tennessee who formerly owned slaves, so far as they can, seek to retain them by hiring them?

Answer. I think they are more anxious to hire their own former slaves than to go abroad for laborers—that is, as a general thing; but there are some instances where men positively refuse to let a negro come near them who was ever owned by them.

Question. But the general rule is the other way?

Answer. I rather think it is.

Question. Portions of slaves that belonged to particular men went off with the army, and some remained at home. Are not the owners of those who remained at home peculiarly kind and attentive to their interests?

Answer. I cannot say how that is in a general way. When I was superintendent of contrabands there were so many instances of cruelty brought before me, and at the same time so much evidence of kindness, that I thought it was about equally divided; it depended a great deal upon the natural heart and condition of the former owner.

Question. You speak now of contrabands?

Answer. I say my official title was "superintendent of contrabands."

Question. They were not freedmen then?

Answer. Yes, sir.

Question. The constitutional amendment had not then been ratified?

Answer. No, sir; but the President's proclamation had freed all slaves in insurrectionary districts. That is the way I always decided, that the slaves in the insurrectionary districts had been all freed by the President's proclamation. I decided that the slaves in Kentucky were not freed, but that in Tennessee and the other insurrectionary States they were free.

Question. You speak of your experience as the officer in charge of that interest before the constitutional amendment was ratified?

Answer. Yes, sir; I have had nothing to do with it since. I have been commanding my own regiment since August last.

WASHINGTON, *February 13, 1866.*

Oliver P. Temple sworn and examined.

By Mr. BINGHAM:

Question. Where do you reside?

Answer. In Knoxville, East Tennessee.

Question. How long have you resided in Tennessee?

Answer. All my life; I was born in Tennessee.

Question. Will you state what is the present condition of affairs in Tennessee touching the good order of the community, and what it has been for the past six or twelve months?

Answer. During the last three or four months a large portion of East Tennessee has been very quiet, considering the condition of the country previous to that time. Of course, previous to that time all was disorder and confusion and war. At the present time I know of but very little disorder there except such acts of personal lawlessness as always grow out of the demoralization resulting from some years of war.

Question. How is it in Middle and in West Tennessee?

Answer. Personally I know very little about those parts of the State, for I have not been there for some time.

Question. Do you know by general report?

Answer. Yes, sir; I hear a great deal of complaint from there through the newspapers and from other sources of information; but I have not been out of my section of the State in that direction for four years.

Question. According to your observation, does there still exist in the State of Tennessee a disunion party?

Answer. That is a question very hard to answer. In one sense of the term, and probably in most senses of the term, there does exist a disunion party there; in another sense of the term there does not. In my section of the State the Union party was very largely in the ascendancy during the war and up to the present time. The rebels were very hostile, very bitter, and very proscriptive until the surrender of General Lee and General Johnston. Since that time the large majority of the rebels in my section of the State with whom I have come in contact have expressed a determination to submit to the laws and government of the United States, and although I know some original secessionists who still would desire the overthrow of the government of the United States if they had it in their power, I think the majority of the original disunionists in my section of the State are so overwhelmed by the public sentiment around them, and the disasters that have befallen their cause, that they utterly despair of accomplishing anything of the kind.

Now, while I apprehend that that state of acquiescence does not exist to the same extent in Middle Tennessee and in West Tennessee as in East Tennessee, yet public opinion has a great effect upon the sentiments of men, and hence I think that a large majority of the original secessionists are disposed to acquiesce in the result of the war. I do not think they will ever go to war again against the government of the United States, unless there was a much better prospect of success than has yet presented itself. In other words, I think they are inclined to submit to the existing state of affairs. They complain, it is true; but I do not think they have any intention of rebelling again; at least they say they have not in their conversations with me. I have had some conversations with them, though I am not so intimate with them as a great many others are, because I am known throughout my region of country as a very decided Union man, and by some regarded as an ultra man.

Question. Have all the secessionists been disfranchised under the new State organization of Tennessee?

Answer. They have not all been disfranchised—only those who cannot take a certain oath; certain persons who did not vote at certain elections that are specified in our laws are permitted to vote.

Question. What proportion of the former voting population of Tennessee have been disfranchised by the existing State organization?

Answer. I do not know; I have never made the calculation. I have seen a great many statements made by politicians, but I have never seen any statement that I had reason to believe was accurate. I should suppose that from 40,000 to 60,000, perhaps more, voters have been disfranchised.

Question. Is not that a majority of the whole voting population of the State?

Answer. I think our voting population before the war was about 145,000. I do not know how that number has been affected by the war.

Question. What is the highest vote given at any election under the present organization?

Answer. I think that some 40,000 votes were given in the election for governor of the State.

Question. Is it or not your opinion that if the white people of the state were all put on an equality in regard to the franchise, a majority of secessionists and sympathizers with the secessionists would secure the control of the affairs of the State, and elect its officers?

Answer. I very much fear they would; but I am by no means certain about that; I think that would depend somewhat upon the policy adopted by our party at the north. If a very ultra and extreme policy is adopted at the north it will in all probability, supposing the secessionists should have the privileges of the ballot-box, have a tendency to increase their numbers. If a milder policy is adopted, it will have a tendency to strengthen the Union element. Party combinations are shifting so in our State, and I suppose everywhere now, that it is very difficult to predict in advance what the relative strength of parties will be in the future. I should have some fears that if the franchise laws of our State were repealed and a free election were allowed, the rebels permitted to vote, the control of the State would pass into the hands of the rebels; indeed I believe it would.

Question. Do you think it would be safe for the Union men of Tennessee to allow the whole voting population of the State as it formerly existed to control the affairs of that State without any federal interference at all?

Answer. The Union people in our section of the State would unquestionably be safe. I cannot answer positively in reference to the other divisions of the State. East Tennessee is able to take care of itself beyond any question in the world; no doubt about that. With the present franchise act of our State in operation, I have but very little doubt but what the Union men would be able to take care of themselves there.

Question. Excluding the rebels from voting?

Answer. Yes, sir.

Question. But my question was, supposing the right of suffrage was restored to all the people?

Answer. I should apprehend that in certain sections of the State the Union men would be in very great danger; that is, from what I hear, not from what I know, because I live in a section of the State where we have no apprehensions whatever.

Question. Suppose the whole body of the white population of Tennessee was admitted to the exercise of the franchise, what in your opinion would be the security of the freedmen in Tennessee without federal intervention?

Answer. I am inclined to the opinion that there would be individual instances, and probably a considerable number of them, where the freedmen would be very badly treated; but, on the other hand, I am inclined to the opinion that a majority of the people of the State would be disposed to respect their rights

even if all restraints were removed. I am very well satisfied of one fact—that the attempt on the part of our friends to protect the freedmen there, (as a necessary consequence there have been some unwarranted acts, not intentional, upon the part of persons who were superintending that freedmen's department,) has had a tendency to create a feeling of ill will towards the freedmen that would not naturally and of itself have existed. I myself think that a majority of the southern people entertain a feeling of kindness for those who were formerly their slaves. I have always felt that, although I have never in my life been an ultra man upon the subject of slavery, and have always preferred my government to the institution of slavery, as is very well known in my section of the State, I was perfectly willing to give up the institution of slavery. I do not think that there is the same enmity towards the blacks upon the part of the southern people, even if extraneous influences were removed, as is commonly supposed in the north. But possibly I judge more from my own feelings towards those I formerly controlled than from other reasons; it may be that has too much influence upon my opinion upon the subject.

Question. You mentioned forty thousand votes as having been given at one election in Tennessee; were they given for the same candidates, or were they divided among opposing candidates?

Answer. My recollection is that about forty thousand votes were given for the Union ticket. I am not sure that any at all were given for the opposite ticket, but I may be mistaken about that. I have been very busily engaged in other pursuits, and am not a regular professed politician in any way, though I take an interest in such matters.

Question. Was there a military force present at the last election in the State, in any manner controlling it?

Answer. So far as I know, and so far as I have ever been authentically informed, there was not. There was a military force in the State; but if the military interfered at all in the elections there, I have no authentic information about it.

By Mr. GRIDER :

Question. What is your opinion and your conviction as to the effect of admitting the present delegation of representatives now elected from the State of Tennessee? Would it increase the loyalty and gratify the feelings of the people of the State, and would it decrease it to exclude them?

Answer. I think to admit the representatives would unquestionably strengthen the loyal men there very much, and to reject them would unquestionably strengthen the disloyal element. I think that rejecting them would have a tendency to make a great many Union men discontented, and when men become discontented it is a very easy matter to drive them off into the opposite extreme. I desire to state one thing more definitely and distinctly than I have stated in my former answer with reference to the disunionists. I do not pretend to say, nor do I mean to be understood in anything I have said to say, that the original secessionists in our State have changed their hearts. I think their hearts are just where they were four years ago; but a great many of them are acquiescing in the present condition of things, and I think a great many of them intend to continue to acquiesce in the supremacy of the government of the United States. But I think their hearts are just where they were before; or, at least, that is the case with a majority of them.

Question. I will ask you whether those gentlemen who are acquiescing, and who say they are willing to submit to the general government, are not generally men of capacity and influence and consideration?

Answer. Yes, sir; they are generally, so far as I know, because those are the persons I generally come in contact with. I have not come in contact with many of the common refugees, and I know very little about their sentiments.

It is generally persons of position with whom I have come in contact, or with whom I have had conversation. I have had conversation with a great many of them, and they are men generally of standing and respectability, or were so before the war. A great many of them have fallen off very much, in my estimation, since that.

WASHINGTON, *February 13, 1866.*

John Williams sworn and examined.

By Mr. BINGHAM :

Question. In what part of Tennessee do you reside, and how long have you resided in that State?

Answer. I reside in Knox county, East Tennessee, and have resided there all my life.

Question. Have you the means of knowing the general state of public feeling in Tennessee?

Answer. I think I have.

Question. What is the feeling of the majority of the people of Tennessee towards the government of the United States?

Answer. So far as I am advised, it is my opinion that the feeling of not only the majority, but almost the entire mass of the people of Tennessee, is friendly towards the government of the United States. I know of no opposition there, and hear of none except through the newspapers. You can hear contradictory statements upon that subject almost every day. Some contend that there is opposition to the government. But my observation is that there is none anywhere in the State, so far as I am advised. The rebels have been thoroughly whipped, and I think they are disposed to acquiesce in the supremacy of the authority of the United States.

Question. Are the rebels disposed to take the possession and control of the government of Tennessee, if they get the chance to do so?

Answer. I suppose if you were to give them the privilege of voting, as a matter of course they will go to the polls like everybody else, and they will vote; and in that event, there being a majority in Tennessee of those who were rebels, they would get the control of the State. But I am one of those who do not believe there is much opposition in the State of Tennessee to the government of the United States. If you permit them to go to the polls, of course they would be in the majority, because there are more of them than of the other party in Tennessee.

Question. What is the relative strength of the rebel population in Tennessee, compared with the white Union population?

Answer. I think that upon the question of separation from the Union, which was the last real test we had there, there were from 40,000 to 45,000 for the Union, and about 100,000 for secession. That was about the vote, as well as I now recollect.

Question. Is it your opinion that the two parties sustain about that relative relation now?

Answer. I do not think they do.

Question. What do you think is now the difference between the whole number of Union voters and rebel sympathizers in Tennessee?

Answer. That I cannot tell. We can only judge of that from the test of an election, and we have had no election which was anything like a test since the 8th of June, 1861, and therefore it would be impossible for me to form any exact idea as to what would be their relative strength at this time. I do not think, however, the proposition to secede again would now get a single vote in Tennessee.

Question. I do not mean whether they would vote for secession now, but whether the rebels would vote to give themselves the control of the State.

Answer. My observation and experience for the last twelve months in Tennessee would lead me to believe that some of those who have been the worst rebels have now got to be some of the most noisy Union men; they are the most clamorous and make the most noise. The great body of the Union men in my section of the country have not been to an election for some time. They refused to vote at any of the elections under the secession government, and a great many of them have not gone back to the polls since they have been under federal rule.

Question. What is the reason of that?

Answer. I suppose it is for various reasons. There is a state government in Tennessee now which a great many of the Union men do not indorse.

Question. Why do they not indorse it?

Answer. Because they do not think it was organized in accordance with principles laid down in the constitution of the State of Tennessee; that is all.

Question. Do they still have that opinion?

Answer. I think a great many of them have. Still they acquiesce in the government; they offer no resistance to it. You are asking me for my opinion.

Question. Undoubtedly; and a great deal of this testimony which you are giving is merely your opinion. Do these Union men of whom you speak intend to remain away from the polls under the existing State organization?

Answer. I do not think they do. I think, as time rolls on, they will all go back to the polls. But men in a high state of excitement will not do a great many things which otherwise they will do.

Question. Do you know anything about any agreement or organization among the rebels to acquiesce for the present, and after restoration to take control of the State?

Answer. I have no knowledge of any such organization.

Question. Neither from rumor nor otherwise?

Answer. None, except what I have seen published in the Nashville papers, as coming from some gentlemen there. A Mr. Fletcher, and others who are on a committee there, say that such is the fact. But I have no knowledge of the existence of any such organization.

Question. Those men to whom you refer have made that statement public?

Answer. Yes, sir; it is contained in an address to Congress, which I suppose you have all seen.

Question. Do you think with the State of Tennessee under the control of rebels, without any restraint upon them from federal intervention, justice would be done to the freedmen in that State?

Answer. I do not think there is any disposition upon the part of anybody in Tennessee, rebel or Union, to inflict any injury upon the colored man.

Question. That is not exactly an answer to my question?

Answer. Well, I will endeavor to answer as well as I can.

Question. My question is whether you think, if the control of the State should pass into the hands of the rebel majority, justice would be done to the freedmen in Tennessee?

Answer. I think it would; because I know personally a great many rebels who are as kind to the negro as any one else is, and therefore I think it is fair to infer that they would continue to be so.

By Mr. GRIDER:

Question. What effect do you think the admission into Congress would have upon the spirit and temper of the people of Tennessee? Would it gratify them and make them more loyal, or would it tend to encourage the rebel feeling there?

Answer. I think it would have a very beneficial influence; I think it would

go a great way towards bringing about a better state of feeling than perhaps exists there now. There are some of our people there, good Union people, who are disposed to complain of the action of Congress in not admitting our representatives. I think their admission would put them in good humor and make them feel better disposed towards the government.

WASHINGTON, *February 13, 1866.*

Abner G. Jackson sworn and examined.

By Mr. BINGHAM:

Question. In what part of Tennessee do you reside, and how long have you resided there?

Answer. I reside in Knox county, East Tennessee, and I have resided there for fifty-seven years. I was born in the neighborhood of Petersburg, Virginia.

Question. What is your opinion of the present feeling of the majority of the people of Tennessee towards the friends and defenders of the Union in the State of Tennessee?

Answer. So far as my observation goes, the feeling of the secession party is nothing like as bitter as it was some time ago. Until within the last two or three months there has been a great deal of bitterness and a great deal of trouble. But it is now much more quiet, so far as my observation goes.

Question. Is it your opinion that the active Union men of Tennessee would be safe if the control of the government of the State was transferred to the hands of the majority, that majority being understood to have been rebel?

Answer. I really think they would. I should be perfectly willing to risk it if it were thought practicable and advisable to do so. But just in that connexion, speaking of rebels, perhaps you and I would differ as to who were rebels. My neighbor, for instance, has been a rebel; but he is an honest man, and comes up and takes the oath. I do not now look upon him as a rebel, because by taking the oath he has wiped out his sin of rebellion. In regard to honest men, I take a different view of that subject from some others. An honest man before the war will be an honest man after the war.

Question. In what majority are those persons in Tennessee who have been in favor of the rebellion?

Answer. I am not as well posted in that respect as some others are.

Question. Do you think they would be as about two to one to the Union men in Tennessee?

Answer. I think, taking the whole State, perhaps they would be, or that they have been.

Question. Are they now?

Answer. I do not think they are.

Question. Are they in the majority in the State now?

Answer. I think it very likely that they have a decided majority.

Question. Do you think the vote of the State now would be in the proportion that Mr. Temple has stated, whose testimony you have heard?

Answer. I form my opinion more from what Mr. Temple and Mr. Jackson have stated than from my own observation, for they have bestowed more pains upon this subject than I have.

Question. Do you know about what was the vote of Tennessee for governor at the last election for that office?

Answer. I do not; I was absent from Tennessee at that time.

By Mr. GRIDER:

Question. You have spoken of the bitterness that existed between the rebels and the Union men some months ago. Will you not state whether that was not

rather a personal difference, rather than a feeling of opposition towards the United States government?

Answer. It was a personal difference, and confined to very low people, as a general thing.

Question. What effect, in your opinion, would the admission of the delegation from Tennessee into Congress have upon the people of the State? Would it have a good effect?

Answer. I think it would have a very decided effect to harmonize the people of Tennessee.

Question. Will you state whether the rebel officers and the Union officers who have met in your neighborhood since the war ceased have not got along harmoniously together and like gentlemen?

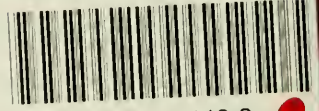
Answer. Officers and soldiers both have done so; that is true, with the exception, as I stated before, of low fellows.

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